

COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT

UTILITY POLICY

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**COUNTY OF BRUNSWICK
PUBLIC UTILITIES DEPARTMENT**

Title: UTILITY POLICY

This policy is to be added to the Policy adopted by the Brunswick County Commissioners on March 16, 1998, and become an integral part thereof, and is fully incorporated as if set out in full thereto.

A. INTRODUCTION.

The Public Utilities Department was created by the Board of County Commissioners and has been given the responsibility for operating, maintaining, and expanding the County's water and sewer systems. The Commissioners and the Utility Operations Board (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein the County has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to County owned and operated public water and sewer utilities.

It shall be the philosophy and the intent of the County to provide potable water and environmentally sound sewer treatment to all those citizens of the County where it is deemed economically feasible and structurally practical.

B. POLICY ADMINISTRATION.

Staff administration of said policy shall be the responsibility of the County Manager, or an authorized representative, such as the Assistant County Manager or the Public Utilities Director, to be designated by the Brunswick County Board of Commissioners and to serve at their pleasure as the System Administrator. The Administrator shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Board of Commissioners, and from time to time as necessity requires, make decisions developing the operations of the County's water and sewer systems and shall have the authority to make decisions necessary to ensure that expansion and upgrade of the County's utility infrastructure is consistent with policy and philosophy. The Utility Operations Board shall hear and decide appeals from the System Administrator's decisions, provided that the Complaining party files a written formal protest of said decision(s) within 30 days of notification, to the System Administrator, of said decision(s). The decision(s) rendered by the Utility Operations Board shall be final, subject to judicial review as otherwise provided in the General Statutes.

C. CONNECTION REQUIREMENTS.

1. APPLICATION.

It shall be the policy of Brunswick County to abide by and enforce the Ordinance of May 7, 1997.

2. INDIVIDUAL CUSTOMER PROXIMITY TO WATER LINE OR WASTEWATER COLLECTION LINE.

Connection, as defined above, shall apply to all developed and/or improved properties being within two hundred (200) feet of the road right-of-way, as defined in Section C.3, containing a water line or sewer collection line owned or operated by the County, and shall be provided for each and every dwelling meeting the above criteria, individually and separately (one connection for each single-family residential dwelling).

For those properties within two hundred (200) feet of a gravity sewer main but cannot be served by a sewer service lateral due to inadequate grade from the house to the gravity sewer main, sewer service will be determined not to be available. The property owner may elect to install an individual grinder pump for sewer service if permitted by the plumbing code and state law.

EXCEPTION: Two (2) or more structures on a single parcel may be connected to the County's water supply system and/or wastewater collection through a single connection point if and only if said structures are under the management of a single, common property owner. Said connection arrangement will require backflow prevention. This connection arrangement will terminate should said single management terminate.

3. RESERVATIONS.

To the extent allowable by law, the County reserves the right to review each service connection request from individuals owning single lots adjacent to water lines or sewer collection lines owned or operated by Brunswick County or on behalf of Brunswick County which are located in public rights-of-way greater than one hundred (100) feet. This policy would affect only those individuals located by the right-of-way but on the side opposite the roadway or pavement from the water line or sewer collection line. It would be the responsibility of the System Administrator, or authorized representative, to determine if the individual service connection could be better served through a water main extension, of adequate size to serve the customers and potential customers available at that particular location. If it is determined to be feasible for the County to install a water main extension to serve said property, or properties, then the affected individuals requesting service shall pay the regular fee for a service connection, according to the rate schedule currently in force.

If it is determined to be unfeasible to extend a water main to serve said property, or properties, then said property owner(s) shall pay a fee for said connection, according to the rate schedule currently in force.

The County of Brunswick reserves full authority to determine at such times and under such conditions as all applicable utility infrastructure may be granted service dependent upon factors including, but not limited to, established service requirements, availability of water/sewer capacity, and disbursement priority, however, said factors shall not be exclusive criteria for such determinations.

D. CONNECTION FEES.

1. TAP FEE.

The County of Brunswick tap fees may be set from time to time by the County Board of Commissioners to reflect changes in the cost of the service provided. Those connection charges so levied shall be paid in full prior to the provision of the service connection (tap), unless otherwise specified and approved by the County.

2. CAPITAL RECOVERY CHARGE (CRC).

This charge is intended to recover costs incurred, or to be incurred, by the County for the improvement of the County's water and/or wastewater systems. This charge shall be made up of two (2) components: 1) Capital Reserve (previously referred to as "capacity fee"); and 2) Debt Retirement (previously referred to as "acreage fee").

a. CAPITAL RESERVE (CAPACITY) COMPONENT.

The County of Brunswick Capacity fees may be set from time to time by the County Board of Commissioners to reflect changes in the cost of upgrading the County's treatment facilities and distribution/collection systems. Capacity fees shall be paid prior to the issuance of the building/plumbing permit for each connection to the County's water/sewer system(s), calculated based on the rate schedule currently in force. Revenues realized with these fees shall be utilized for Water Fund or Sewer Fund capital reserve.

The preceding paragraph (Section D – CONNECTION FEES, Part 2 CAPACITY FEE) shall become effective on November 1, 2000.

1. WHOLESALE & INDUSTRIAL CUSTOMERS.

A baseline for allocation, henceforth referred to as "baseline allocation", shall first be established, since there have been no fees paid to the County in the past for capacity allocation by these customers. The method by which this is done is:

- (a) The two (2) peak usage months shall be determined utilizing the two (2) most recent, consecutive calendar years' records;
- (b) The monthly usage (measured in gallons) for each of the two (2) peak months shall then be divided by the number of days in the calendar month(s) for which each represents, thus establishing a peak-month daily averages;
- (c) These two (2) peak-month daily averages shall then be added together and divided by two (2). This number shall then be multiplied by 1.15, and shall be rounded up to the next hundred gallons. The resulting value shall then be the Wholesale or Industrial customer's baseline allocation in the County's applicable water and/or sewer system.

Each year thereafter the County shall review usage records for each Wholesale and Industrial customer, for the previous calendar year, on or before March 1. A

peak-month usage shall be determined, then taking the total number of days for that respective month and dividing that number into the peak-month usage (in gallons), thus establishing a peak-month daily average for that calendar year.

The peak-month daily average shall then be compared with the Wholesale or Industrial customers' baseline allocation. If the previous years' peak-month daily average is equal to or greater than the baseline allocation, said Wholesale or Industrial customer shall be notified by the County on or before March 15. The Wholesale or Industrial customer shall purchase the net difference or ten percent (10%), whichever is greater, of their baseline/existing allocation. The purchase of this additional allocation shall be due and payable to the County on or before July 1 of that same year.

When additional allocation is purchased, for the first time, by a Wholesale or Industrial customer, and is combined with that customer's baseline allocation, said allocation shall be define as "*existing*". All allocation purchased thereafter shall be added to the Customer's existing allocation and subsequently becomes the Customer's "*new*" existing allocation for the purposes of this section.

3. DEBT RETIREMENT COMPONENT.

The County of Brunswick Acreage fees may be set from time to time by the County Board of Commissioners to reflect changes in the cost of the maintaining the County's existing treatment facilities and distribution/collection systems. Acreage fees shall be paid to the County upon closing (sale of lot to intermediate or ultimate owner) on each lot, not on the acreage tract sales/purchase, by the Developer/Owner for those desiring to connect to the County's water/sewer system(s) to provide water and/or sewer to development in the County. Revenues realized with these fees shall be utilized for Water Fund or Sewer Fund debt retirement. All Acreage fees so levied shall be paid in the following manner:

E. UTILITY LINE EXTENSION.

1. GENERAL PRINCIPLES.

The planning and extension of the water/sewer systems of the County of Brunswick shall be accomplished with the following general principles:

- a. Extension shall be made in a manner so as to promote the planned and orderly growth within the County;

A Capital Recovery Charge (CRC), as established and adopted by the County Board of Commissioners, shall be paid to provide the County with a capital reserve and debt retirement funding, to afford the financing of major capital improvements and the replacement and/or up-sizing of existing treatment and distribution/collection facilities; offset the County's existing water fund and/or sewer fund debt service, as related to the financing of existing water and sewer infrastructure and associated facilities. These fees shall be required for any prospective Individual User desiring to connect property to the County's public water supply system and/or sewer collection system(s) and shall provide water/sewer allocation for the Individual User commensurate to the fees paid. (Refer to rate schedule currently in force);

- b. The Developer/Owner shall be responsible for all costs associated with the installation of all approved water/sewer utilities within the project area. The initial financial burden and/or availability shall be borne, in full, by the Developer(s)/Owner(s);
- c. Extension of water/sewer utilities to properties located outside of the County's existing water/sewer system(s) (i.e., subdivision, shopping center, multi-family development, commercial, industrial, etc.), under development, shall be financed by the Developer(s)/Owner(s) of those properties receiving benefit from the water/sewer utilities; and
- d. The County shall be responsible for the operation, maintenance, and repair of all applicable infrastructure and related facilities, but only after proper dedication to the County. All water/sewer utilities to be accepted shall meet or exceed all County construction standards and specifications. The County shall be in receipt of all appropriate deeds of dedication and associated affidavits prior to the issuance of any certificates of occupancies (CO) related to that development and/or project.

2. PROJECT PROXIMITY TO WATER LINE.

Each Developer/Owner desiring to develop property within one thousand (1,000) feet of the County's public water supply system, for major subdivisions, and two hundred fifty (250) feet for minor subdivisions, shall be required to connect said subdivision(s) or property to the County's water system and shall be responsible for providing connection(s) between the affected property, or properties, and the County's public water supply system at the Developer/Owner's expense (Refer to County's Subdivision Ordinance). Refer to County's Sewer Use Ordinance (AP-94004) for sewer requirements.

3. MINIMUM DISTANCE FOR EXTENSION.

The minimum distance for the extension of water/sewer mains shall be determined by the County, but in no case shall water/sewer mains be extended less than the entire length (front footage) of the Developer/Owner's property and shall be extended within the street/highway rights-of-way or deeded utility easement, as approved by the County prior to installation of utility infrastructure.

4. CRITERIA TO UPSIZE OR IMPROVE DEVELOPER-INSTALLED EXTENSION.

In the event a Developer/Owner desires to permit and install, or have installed, a water/sewer main extension(s) in order to provide water/sewer service to the lots or parcels being developed and it is determined, by County staff, to be in the best interest of the County for providing future water/sewer service capacity, the County shall reserve the right to require said Developer/Owner of the main line extension(s) to construct said extension(s) in a manner as to best meet the County's infrastructure requirements, as determined by County staff.

5. EXTENSION OF MAIN(S) TO NEW SUBDIVISION OR PROJECT.

If a proposed subdivision, shopping center, multi-family development, commercial, or industrial property which requires an extension of water/sewer line(s), the Developer/Owner shall extend, at his or her own expense, the water/sewer line(s) to the County's existing main line(s), per County and State specifications.

Sole ownership of all permanent extensions shall be deeded to the County, with easements, encroachments, and/or rights-of-way over private roads if the same are involved.

The Developer/Owner shall submit infrastructure installation cost documentation prior to or with the Instrument of Dedication for the water/sewer system installed.

6. EXTENSION OF MAIN(S) TO EXISTING SUBDIVISION OR PROJECT.

Those lot/property owners desirous of obtaining a water distribution and/or sewer collection service system(s) are required to act in the same manner as a “Developer/Owner” as described in Section F.

The distinction made is that the County, in such case, may act as the agent for preparing, or having prepared, detailed plans and specifications, permitting, advertising, letting of bids, construction administration, and determining when County acceptance is possible.

Such Developers/Owners shall be required to submit, in advance, funds equal to one hundred percent (100%) of the estimated cost to provide such a service system(s), before the County will begin this process, including the preparation of detailed plans and specifications.

Such Developers/Owners must establish a legally recognized entity for receipt of reimbursement payments from the County of Brunswick, if applicable.

7. CONNECTION OF DEVELOPER-INSTALLED MAIN(S) TO COUNTY WATER/SEWER SYSTEM.

In the event a water/sewer main is installed by a Developer/Owner within a North Carolina Department of Transportation (NCDOT) right-of-way which, following completion, will be dedicated to the County of Brunswick pursuant to the County’s policies, the Developer/Owner shall bear all costs of connecting the Developer-installed main(s) to any County-owned water/sewer line. These costs shall include, but shall not be limited to, boring and jacking, carrier pipe(s), and actual connection(s) of Developer-installed main line(s) to the County’s main line(s), located within the NCDOT’s right-of-way.

Any such connection, as outlined above, must appear in plans and specifications submitted to the County’s Engineering Services Department prior to approval of any water distribution system and/or sewer collection system of which the above stated Developer-installed main is a component part. All such water/sewer main extensions shall be extended to the property line on the far side of the Developer/Owner’s property, along the street/highway rights-of-way or in a deeded utility easement, as approved by the County prior to installation. These line extensions may be required to extend to adjacent properties in order to best meet the County’s future infrastructure requirements, as determined by County staff.

8. SERVICE CONNECTION TO COUNTY WATER SUPPLY AND/OR SEWER COLLECTION SYSTEM FOR THE BENEFIT OF PROPERTY NON-CONTIGUOUS TO COUNTY SYSTEM(S).

The County of Brunswick may allow service connection to property which is non-contiguous to the water distribution and/or sewer collection system(s). Any service so provided shall be classified as a “temporary service” and at such time as the water distribution lines and/or sewer collection lines are constructed in rights-of-way or deeded

utility easements contiguous to any property having a “*temporary service*” the Owner of said property shall:

- a. Bear all costs of relocating water meter(s) and/or sewer service(s) to a location within the street right-of-way or within a deeded utility easement along which property frontage is located.
- b. Bear all costs of water and/or sewer connection fees incidental to the relocation of the service(s).

Any water/sewer customer served by a “*temporary service*” connection shall, by executing a *service agreement* with the County of Brunswick, shall be deemed as having petitioned the County of Brunswick for the designation of the roadway along which the owner’s property lies as a Special Assessment Project pursuant to *North Carolina General Statute 153A-185 et. seq.* or as a future water/sewer system improvements project.

F. APPROVAL OF UTILITY CONSTRUCTION.

1. PLANS & SPECIFICATIONS.

Prior to the submittal of plans and specifications to the State of North Carolina for new utility construction approval, for all applicable water distribution systems and sewer collection systems, shall be submitted to the County’s Engineering Services Department for review, comments, and approval of said plans and specifications.

2. TRANSMITTAL TO THE STATE OF NORTH CAROLINA.

Following approval of the plans and specifications by the Engineering Services Department, the Developer/Owner shall forward the approved plans and specifications to the appropriate State agencies for review, comments, and approval, as specified in the North Carolina Administrative Code (NCAC).

3. FEES.

The Developer/Owner shall be responsible for payment of all fees and charges related to the property being developed prior to recordation of the final plat and/or prior to receipt of additional services and/or allocation(s), and/or prior to dedication of infrastructure to the County, and/or twenty-four (24) months from the final acceptance (i.e., deed and dedication to the County, if recorded on or after January 1, 1999, or before November 1, 2000.

If the latter is chosen, the Developer/Owner shall seal a contract with the County guaranteeing full payment of all fees and charges to the County prior to expiration of the twenty-four (24) month contract period. The Developer/Owner shall also pay an administrative fee (see rate schedule in force at the time of the request) per lot or dwelling unit, due and payable to the County prior to sealing contract with the County. Upon satisfactory fulfillment of all contractual obligations regarding this particular project the County shall then consider the contractual obligation satisfied. This provision shall be retroactive to the commencement of any applicable development project, currently in process with the County, as of the date of this policy.

If recorded prior to January 1, 1999, or after October 31, 2000, all applicable fees shall be paid prior to the issuance of the building/plumbing permit.

4. PROFESSIONAL ENGINEERING SERVICES.

The Developer/Owner shall provide all Professional Engineering services for the performance of all necessary and required design, permitting, and construction inspection services, verifying compliance with the record (“*as-built*”) drawings and all State and County requirements. The Developer/Owner shall be responsible for installing said water distribution system, including, but not limited to, all main lines, service connections (including meter yoke box, corporation stop, pipe, etc.), hydrants, valves (control valves & hydrant valves), blow-offs, and all associated appurtenances and sewer collection system (if applicable), including, but not limited to, all main lines, service connections (manholes, force mains, sewer pumping stations), and all associated appurtenances. The Developer/Owner shall bring the main line(s), to be tapped to the County’s water/sewer system(s), to the County’s main lines. The main line tap shall then be performed by a County-approved, North Carolina-licensed utility contractor, contracted by the Developer/Owner, and shall be made at the Developer/Owner’s expense.

5. INSTALLATION OF SERVICE CONNECTIONS.

a. INDIVIDUAL TAP TO EXISTING MAIN.

Water and sewer taps shall be installed by a North Carolina licensed utility contractor, approved by the County prior to installation. All materials used for the tap installation shall meet or exceed the County’s minimum construction standards and specifications. A tap inspection fee (See rate schedule currently in force) shall be remitted to the County by either the Contractor or by the individual requesting the water service. It shall be the responsibility of the Developer/Owner’s Contractor to ensure that all utilities are located properly prior to tap installation. The County requires a minimum forty-eight (48) hours notice for locating all applicable water/sewer utilities.

The Developer/Owner shall be responsible for acquiring all encroachment agreements with the North Carolina Department of Transportation (NCDOT), if applicable. There shall be **NO** open cutting of pavement, unless approved by the NCDOT prior to installation.

The County shall be contacted at least forty-eight (48) hours prior to the installation of the tap and must be allowed to inspect said tap prior to being backfilled and covered up. If the County is not contacted prior to the tap being covered up, it shall be the responsibility of the individual requesting the water service to bear all costs for uncovering the tap for inspection, if so required by the County.

Any and all exceptions to this policy shall be approved by the County prior to construction.

b. LICENSED UTILITY CONTRACTOR.

All Contractors desiring to install water distribution, sewer collection, and all transmission facilities in the County of Brunswick, excluding municipal, sanitary districts, and water & sewer authority jurisdictions, unless otherwise applicable, must submit a copy of their current Certificate of Insurance and a copy of their valid

North Carolina Utility Contractor's license issued to the Contractor to be licensed for public utility construction in North Carolina rights-of-way.

6. WATER SERVICE TO MULTI-UNIT DEVELOPMENTS.

In planned multi-unit developments where there is a single, common or cooperative land and unit ownership and common element ownership as to a single tract or real property such as condominiums, apartment developments, office parks, mobile home parks, shopping centers, and shopping malls, the County shall have the option to require:

- a. A master meter through which service shall be provided to all affected units of the development. All water lines serving said development from the master meter shall be deemed *private* and shall be the responsibility of the Developer/Owner of the development. Billing to multi-unit developments shall be forwarded to a named partnership, firm, corporation, or individual at a single address and one (1) individual shall be registered with the County's Public Utilities Department as authorized agent for contact regarding water/sewer related matters. Full legal responsibility for payment of County billing statements shall be the responsibility of the individual, firm, corporation, or partnership so named as the County's customer and service upon the authorized agent so designated shall constitute good and perfected service upon the customer;

OR,

- b. An individual meter through which service shall be provided to each affected unit of the development. All water lines serving said development from the County's main shall be installed according to County construction standards and specification and shall be dedicated to the County upon satisfactory completion. Billing to each unit of the development shall be forwarded to an owner, renter, or leasee at a single address and one (1) individual shall be registered with the County's Public Utilities Department as authorized agent for contact regarding water/sewer related matters. Full legal responsibility for payment of County billing statements shall be the responsibility of the individual owner, renter, or leasee so named as the County's customer and service upon the authorized agent so designated shall constitute good and perfected service upon the customer.

7. DEDICATION – NEW UTILITY CONSTRUCTION.

A Developer/Owner desiring to dedicate new utility construction associated with a water distribution and/or sewer collection and/or treatment systems to the County of Brunswick shall satisfy the following prior to dedication (Refer to **OP99001 – New Construction**):

- a. Request a preliminary walk-through with the County once all respective utility infrastructure is installed, tested (bacteriological and/or pressure), and all adjustments are made to the existing field conditions to allow for safe and proper operation of said system(s).
- b. The Developer/Owner's Engineer shall issue a punchlist, in writing, if additional work is required prior to substantial completion and/or dedication. After completion of all punchlist items, if applicable, the Developer/Owner shall request a follow up walk-through.
- c. Upon satisfactory completion of Section F.7b, the Developer/Owner shall submit the following documentation, including, but not limited to:

1. Pressure testing results;
 2. Bacteriological testing results (all of which shall have tested “absent”);
 3. Engineer’s Certification;
 4. Record Drawings (paper and digital versions); and
- d. If all items in Section F.7c are acceptable to the County, then the project, or portion of project, shall be deemed “*Substantially Complete*”. This status shall allow the Developer/Owner to begin connecting customers to all affected infrastructure, but shall in no way constitute “*Final Acceptance*”.
- e. The Developer/Owner shall be responsible for all damages to affected utilities that are to be dedicated to the County caused by other construction or by poor workmanship and/or defective materials for the period between “*Substantial Completion*” and “*Final Acceptance*” and shall be responsible for all related utility location requests associated with water/sewer infrastructure for the same period of time.
- f. The Developer/Owner shall indemnify the County, in a written form acceptable to the County, for right-of-entry for the purpose of reading meters as required for account billing and for emergency repairs, if required.
- g. The Developer/Owner shall assume all legal responsibility and associated liabilities for the repair of applicable water/sewer infrastructure damages due to the negligence of others or due to poor workmanship and/or defective materials within that portion, or portions, of the system being offered to the County for dedication.

If the County actually performs any maintenance work to said infrastructure during the same period of time, an invoice shall be forwarded to the Developer/Owner. The invoice shall be due and payable to the County upon receipt of said invoice. If the Developer/Owner fails to remit payment, the County reserves the right to delay or relinquish its responsibility for operation and maintenance of all related infrastructure between “*Substantial Completion*” and “*Final Acceptance*” until which time the payment is received in full.

- h. Final acceptance by the County shall not be granted until all other construction and utility installations are completed, and all asbuilt and legal items are received. These shall include, but are not limited to, the following:
1. All water and/or sanitary sewer systems(if applicable);
 2. All drainage structures, swales, pipes, ponds, etc., as associated with the storm water management system;
 3. Street grading, paving, curbing, and gutter; for the phase of developments being conveyed. At a minimum the street grading and initial lift of asphalt must be installed. If the final layer of asphalt is not installed a surety must be posted for the remaining asphalt. If water and / or sewer systems extend outside the phase being conveyed grading and gravel is required for maintenance access to the water and / or sewer systems;
 4. Electrical, gas, telephone, cable utilities;
 5. Site stabilization is complete;
 6. Revised asbuilt drawings if any changes have been made to initial record drawings.
 7. Separate Fixed Asset values for water, sewer and pump station (if applicable);

- 8. Deed of Dedication;
- 9. Lien Waiver Affidavit.

- i. Upon satisfactory completion of Section F.7h, the Developer/Owner shall request a final walk-through with the County. The Developer/Owner's Engineer shall submit a punchlist to the County, in writing, if additional work is required. After completion of punchlist items, the Developer/Owner shall request a follow up final walk-through with the County.
- j. If Section F.7i fails, repeat section until satisfactorily completed. Upon satisfactory completion of the final walk-through, all related documentation shall be provided to the County.

In order for the Developer/Owner to transfer title of a water distribution and/or sewer collection infrastructure to the County, the Developer/Owner shall submit lien waivers to the County from all persons holding valid statutory and judicial liens on the subject property and all applicable utility infrastructure and said Developer/Owner shall submit an affidavit certifying that no legal actions are pending against the Developer/Owner or the Contractor(s) which would in any way jeopardize the title to said applicable utility infrastructure being transferred to the County of Brunswick. In addition, the Developer/Owner shall obtain and provide to the County all pertinent utility easements (recorded) pertaining to the Developer/Owner's utility infrastructure. A Deed of Dedication, in a form suitable to the County, shall then be presented to the County with the notarized signature of all Developer/Owners thereto affixed for execution by the County, which instrument shall then be presented to the Engineering Services Department for presentation to the Board of County Commissioners for acceptance. The County shall not release any certificates of occupancy (CO) for any structures within the project until the appropriate deeds of dedication and lien waiver affidavits have been received by the County from the Developer/Owner.

- k. In lieu of completion of Section F.7h herein, the Developer/Owner shall be given the option of posting a performance bond or letter of credit, naming the County of Brunswick as beneficiary, for the sum equal to one hundred twenty-five percent (125%) of the total cost of the project, or approved portion thereof, to be accepted by the County, as established by the Developer/Owner's Engineer and approved by the County, which bond or letter of credit shall ensure the performance of all requirements prescribed in Section F.7 (a – j) herein and shall enable the County of Brunswick Planning Department to certify the subdivision plans or plat. Such bond shall be released by the County upon the certified final completion of all Section F.7 requirements herein.
- l. After the project, or some portion thereof, is accepted by the Board of Commissioners and is recorded, the County shall provide written notice of final acceptance to the Developer/Owner.
- m. The Developer/Owner shall then provide the County a warranty equal to or greater than twelve (12) months from the date of acceptance by the County, for all related infrastructure against poor workmanship or defective materials.

If the County actually performs any maintenance work, resulting from poor workmanship and/or defective materials, to said infrastructure during the same period of time, an invoice shall be forwarded to the Developer/Owner. The invoice

shall be due and payable to the County upon receipt of said invoice. If the Developer/Owner fails to remit payment, the County reserves the right to delay or relinquish its responsibility for operation and maintenance of all related infrastructure between “Dedication” and “Warranty Expiration” until which time the payment is received in full.

8. DEDICATION – EXISTING WATER/SEWER UTILITIES.

Where subdivision water distribution systems are in the ground, prior to May 15, 1989, or sewer collection systems are in the ground, prior to January 1, 1999, the Developer/Owner shall provide the County with an engineer’s Certificate of Completion, acceptable to the all applicable State agencies and to the County, certifying that said utility infrastructure was installed in compliance with the approved plans and specifications and in strict conformity with the record (“as-built”) drawings. The record drawings, if available, must be sealed by a North Carolina registered engineer. The Developer/Owner shall certify that all State requirements for pressure testing, bacteriological testing, adequate depth of lines, and construction specifications have been met or exceeded. Said certification shall be under seal with proper notarization.

If the requirements listed above can not be fulfilled to the County’s satisfaction, the County reserves the right to require the Developer/Owner to upgrade said infrastructure to comply with County and State minimum requirements. All related expenses shall be borne, in full, by the Developer/Owner. (Refer to **OP-03028 – Infrastructure Review**)

9. AGENCY DESIGNATED FOR RECEIPT OF ALL DOCUMENTS REQUIRED BY THIS POLICY.

The Public Utilities Department and/or Engineering Services Department of the County of Brunswick shall be the agency designated and hereby authorized to receive all documents and initially hear all matters arising out of this policy.

G. INFILL DEVELOPMENT REQUIREMENTS.

1. All new building construction, rehabilitation of existing structure or replacement due to demolition or removal of pre-existing structure(s), occurring on property contiguous to existing water lines or sewer collection lines owned and operated by the County, or on behalf of the County, shall be required to connect to said water and/or sewer lines prior to initiation of services. All plumbing on the property to connect to the County water lines and sewer collection lines shall be inspected and approved (Certificate of Occupancy, if applicable) by the County’s Building Inspections Department. Payment of all applicable fees and charges shall be paid prior to service initiation.
2. All subdivided property (i.e., subdivision, multi-family complex, commercial, or industrial) shall be required to connect to County water line or sewer collection line, at the Developer/Owner’s expense, utilizing a North Carolina-licensed utility contractor. All plumbing on the property to connect to the County water lines and sewer collection lines shall be inspected and approved (Certificate of Occupancy, if applicable) by the County’s Building Inspections Department. Payment of all applicable fees and charges shall be paid prior to issuance of building/plumbing permit.

H. PRIVATE ROADWAY EASEMENTS.

When water distribution and/or sewer collection infrastructure are to be located in a private roadway or street and said infrastructure are to be conveyed to the County of Brunswick, the instrument of dedication conveying said infrastructure shall include as a part thereof, a dedication to the County of the entirety of said private roadway as a construction easement for public utilities (i.e., water, sewer, stormwater drainage). The construction easement shall not be less than thirty (30) feet in width. In the event a private roadway or street has less than thirty (30) feet of width, an additional abutting easement shall be granted to the County so that a minimum of thirty (30) feet is provided for placement of the infrastructure and for an area not less than twenty (20) feet in width for use in maintenance activities, referred to as a “*permanent utility easement*”, by the County.

A construction easement less than thirty (30) feet, but greater than or equal to twenty (20) feet in width, may be permitted by the Utility Operations Board and recommended to the Board of County Commissioners for approval.

I. CONSTRUCTION WATER.

All water obtained from the County’s water system shall be metered. Hydrant meters shall be obtained from the Public Utilities Department or the Requester may construct, or have constructed, at the Requester’s expense, an approved hydrant meter / backflow preventer assembly. Each assembly shall be inspected and approved by the County prior to use.

A completed hydrant meter permit application and a deposit (See rate schedule currently in force) shall be submitted to the County prior to issuance of the hydrant meter assembly and/or permit. Invoicing for water used and all applicable fees shall be issued monthly and shall be due and payable upon receipt of said invoice. All violators of this policy may be assessed a maximum of five hundred (500) dollars per day plus water usage.

After completing the permit application and paying the deposit, the Requester desiring use of the water shall be responsible for obtaining the hydrant meter assembly and/or permit from the Public Utilities Department and shall be responsible for calling in meter reading and renewing the permit on the first working day of each month thereafter. It shall also be the Requester’s responsibility for returning the hydrant meter assembly and/or permit to the Department. Upon returning the hydrant meter assembly to the Department, the Requester shall be refunded the deposit, but only after completion of a satisfactory inspection by County staff of the meter assembly, if applicable. If the hydrant meter assembly is determined to be damaged, all expenses associated with the satisfactory repair of said hydrant meter assembly shall be deducted from the Requester’s deposit. The Requester shall then be refunded the balance of said deposit.

The County reserves the right to test, or require the Requester to have tested, any hydrant meter/backflow assembly not owned and maintained by the County, but used in the manner described above. If the meter(s) does not test within an acceptable range, according to the most current American Water Works Association (AWWA) or manufacturer’s standard specifications, the County shall require the Requester to repair, or have repaired, or replace, at the Requester’s expense, said meter(s). If the backflow preventer(s) does not test within an acceptable range, according to the most current University of Southern California – Foundation for Cross-Connection Control and Hydraulic Research’s (USC-FCCCHR) *Manual of Cross-Connection Control* or manufacturer’s standard specifications, the County shall require the Requester to repair, or have repaired, or replace, at the Requester’s expense, said backflow preventer(s). If Requester refuses these requirements, all applicable permits shall be revoked until which time all requirements are satisfied and fee/charges are paid in full.

J. FLOOD POLICY.

New and replacement water and sewer systems shall be designed and constructed to be flood resistant in flood prone areas. If the manholes are not watertight, they shall be built one (1) foot above the anticipated 100-year flood elevation as determined by the U.S. Army Corps of Engineers.

K. SEWAGE BACKFLOW POLICY.

The building drain relief point of a public sewer is the location that wastewater from a particular building drain (service) will exit the public sewer when the downstream sewer is blocked. For gravity sewers this is the top of the manhole where the building drain (service) ties into the manhole, or in the case that the building drain ties directly into the gravity main using a saddle, the top of the next upstream manhole. For vacuum sewers, the building drain relief point is the top of the air intake connected to the building drain. For pressurized grinder pump systems, the building drain relief point is the top of the vent on the grinder tank. Where plumbing fixtures are installed on a floor with a finished floor elevation below the building drain relief point of the public sewer, such fixtures shall be protected by a backwater (backflow) device installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures installed on a floor with a finished floor elevation above the public sewer building drain relief point shall not discharge through the *required* backwater (backflow) device and branch building drain serving plumbing fixtures on a floor with a finished floor elevation below the building drain relief point of the public sewer. In multifamily developments, each unit or portion thereof, with plumbing fixtures installed on a floor with a finished floor elevation below the building drain relief point of the public sewer shall have a separate building drain horizontal branch with a backwater (backflow) device. All multifamily developments shall have a cleanout installed on the building drain horizontal branch that is most distant from the public sewer. In accordance with the General Provisions of the Sewer Use Ordinance, the POTW Director authorizes and delegates the implementation and enforcement of this section to the Chief Building Code Official having jurisdiction of the area that the building is located within. The absence of a properly functioning backwater (backflow) device eliminates responsibility of the POTW for any wastewater backup into a structure that is required to have one in accordance with this ordinance.

L. SERVICE CONNECTIONS IN SEWER EASEMENTS.

Sewer service connections in existing sewer main easements shall be conducted only by a North Carolina-licensed utility contractor and no service connections shall be made to trunk or interceptor sewers fifteen (15) inches in diameter and larger without specific approval for the Engineering Services Department. Services on fifteen (15) inches and larger mains will require connection at an existing manhole or the installation of a manhole.

M. UTILITY MAIN / EASEMENT RELOCATION POLICY.

The Engineering Services Department shall only consider requests for relocation of utility mains and easements proposed as a remedial action to resolve conflicts such as encroachment of existing buildings, houses, and other such permanent structures. All easement relocations require Board of Commissioners approval through sale of surplus property procedure. The total cost of relocation of utility mains and dedication of new easements shall be at the expense of the property owner, including, but not limited to, engineering costs, surveying costs, recordation of maps, surplus property procedure, etc.

N. CONNECTION OF POOLS, FOUNTAINS, SPAS, AND HOT TUBS TO SANITARY SEWERS.

When any swimming pool or ornamental fountain is connected to the sanitary sewer for the purpose of draining or flushing the pool/fountain or backwashing the filters, the drainage system shall be equipped with a pump or flow restrictor so that the discharge rate to the sanitary sewer does not exceed 100 gallons per minute.

O. WATER SERVICE SHUT-OFF VALVE.

It shall be required that every water service connected to the County's public water supply system be equipped with a shut-off device no more than five (5) feet from the water service meter assembly.

P. WATER MAIN REIMBURSEMENT PROGRAM.

A Reimbursement Agreement for Developers requesting to extend water transmission mains to be connected to the County's water system may be approved by the Board of Commissioners. The Land Developer shall be responsible for all initial engineering and construction costs associated with the transmission line. In order to provide sufficient looping for fire flow pressures and system redundancy, multiple connection points shall be required. The point(s) of connection to the County's system shall be determined by the Director of Public Utilities. Upon completion of construction of the line(s), said line(s) shall be dedicated to the County for operation and maintenance. The Developer or a coalition of Developers that incur the costs for the construction of the transmission line(s) shall be eligible for reimbursement up to, but not exceeding, one hundred percent (100%) of the costs associated with construction of the line(s) for a period of twenty-five (25) years. Engineering costs and other costs not directly associated with the transmission line construction are not eligible for reimbursement. Reimbursement shall be contingent and in accord with the following items:

- (1) The minimum size line that the County shall provide reimbursement for shall be the **larger** of the following:
 - i. 8" or 12" – 8" lines are the minimum when the existing line to be connected to is 8". 12" lines are the minimum when the existing line to be connected to exceeds 8".
 - ii. The size required to meet **non-residential** County fire flow requirements per the latest version of the County specifications. In locations where the transmission line can reasonably be expected to service only residential land uses, residential County fire flow requirements may be used upon written approval by the Director of Public Utilities. It should be noted that the fire flow design requirements may be different for the transmission line and water lines within the land tract to be developed. Additionally, the fire flow calculations and consequent water main sizing shall take into account the ultimate extent of the transmission force main. The Developer shall obtain, in writing from the Director of Public Utilities, the expected future downstream limits of the water transmission main in order to ensure adequate line sizing and fire flow at this downstream limit. Water main transmission line sizes through the tract to be developed shall reflect the water demand at the ultimate future transmission line termination point.
 - iii. The size indicated on the latest County Water Master Plan; unless the Developer shall obtain from the Director of Public Utilities written confirmation that the size shown on the latest County Water Master Plan is not valid.
 - iv. The minimum size line directed to be used by the Director of Public Utilities. The Developer is required to make written request for input from the Director of Public Utilities prior to design of the transmission main.
- (2) The Developer's Engineer shall designate on the development Engineering plans the water transmission line to be constructed through the reimbursement policy. All

beginning and ending points for reimbursable transmission lines shall be clearly indicated along with their associated size and length. The Developer shall verify that the Engineer has done this prior to submittal to Brunswick County.

- (3) All transmission line reimbursement applications must be submitted and approved by the Board of Commissioners prior to the construction of the improvements. The County is under no obligation to provide reimbursement for work not approved prior to construction. To initiate a Water Transmission Line Reimbursement Agreement, the Developer shall complete the Application for Water Transmission Line Agreement form.
- (4) The Developer or his designee shall comply with all applicable provisions of the North Carolina General Statutes regulating public contracts. Primarily, this involves the North Carolina General Statute 143-129 "Formal Bidding Procedure" or NCGS 143-131 "Informal Bidding Procedure" whichever shall apply based upon the total cost of the water transmission line constructed as part of a Reimbursement Agreement.
- (5) The bid proposals shall include unit prices and quantities for the actual line size to be constructed as a part of the reimbursement. Bore & Jack, Directional Bores, and pipe fittings shall be designated on the bid proposals. The Developer or his designee shall provide copies of all bid proposals received, a copy of the executed contract between the Developer and the selected contractor, and a bid tabulation which is signed and sealed by a professional Engineer registered in the State of North Carolina certifying the bids received and the award of the contract in accordance with this policy. The Director of Public Utilities or the County Manager shall determine if the bid is reasonable and acceptable prior to award of the contract.
- (6) The selected contractor shall be properly licensed to perform the water line construction.
- (7) The Developer or his designee shall submit an **Application for Water Transmission Line Reimbursement**, including the construction quantities. The Application shall be signed and sealed by a Professional Engineer registered in the State of North Carolina and shall designate to whom the reimbursement should be payable including the applicable address.
- (8) The Developer or his designee shall provide a Certified Tax Statement from the contractor for the water transmission line as part of the reimbursement request.
- (9) The Application for Reimbursement shall be submitted to the County Engineering Department for review prior to being approved by the Board of Commissioners.
- (10) All water transmission lines extended under the provisions of this policy shall be installed and constructed in accordance with NCDENR permit requirements, other State requirements, County specifications, County details, the approved plans, approved project specifications, and other requirements of the County. Upon completion of construction of the water main and acceptance by Brunswick County, the water transmission main shall become the property of Brunswick County.
- (11) The maximum term of the reimbursement contract shall not exceed twenty-five (25) years from the date of the agreement. No reimbursement shall be made after the twenty-five-year (25) term or after the Developer or coalition of Developers has recovered all eligible reimbursement costs of the water transmission line extension, whichever occurs first. The term of any reimbursement agreement shall run from the execution of the agreement by all parties until the County's obligation for reimbursement has been met. The agreement may be terminated (at any time) by unanimous consent of all parties.

- (12) Costs eligible for reimbursement under this policy shall include off-site water transmission lines of a regional nature meeting the qualifications outlined herein as determined by the Director of Public Utilities and/or the County Manager. No costs associated with installation of water lines on the development site, engineering design, permitting, bidding, or construction oversight are eligible for reimbursement.
- (13) All reimbursement agreements shall be two party agreements between Brunswick County and a Developer or coalition of Developers and shall be approved by the Board of Commissioners prior to construction of the Water facilities.
- (14) The Board of Commissioners sets Water Transmission Recovery Fees. Water Transmission Recovery Fees are in addition to the Water Capital Recovery Fee, Water Tap Fee and any other fees associated with connection to the County's water system. The Water Transmission Recovery Fee may be changed from time to time by the Board of Commissioners. This fee is collected by the County from Developers and individual property owners who connect to County-owned water lines. The fee is based on Residential Equivalent Units (REU's). Developers shall pay this fee upon submittal of the permit application for connection to the County water system. Individual property owners shall pay the transmission recovery fee when they apply for water service.
- (15) Reimbursements paid to the Developer shall come from the Water Transmission Recovery Fees paid by other subsequent developing properties (including individual properties) within the service area that have available County-supplied water service due to the transmission line. The area served by the transmission line subject to reimbursement shall be defined as those parcels that make direct connection to the transmission main including single connections or taps on the main and extensions into a new subdivision. In cases where a development has to extend a new main on an existing street, the new subdivision will not be considered served by the transmission main. Where multiple extensions of the same transmission line occur and the extensions have a Water Main Reimbursement Agreement in effect; reimbursement shall be made on a "1st come, 1st serve" basis. Payment of the entire documented initial construction cost of the earliest dated Water Main Reimbursement Agreement shall occur prior to commencement of payment for subsequent Water Main Reimbursement Agreements. This process shall proceed from earliest dated agreement to the latest dated agreement. This provision does not amend the effective time allocation of the Water Main Reimbursement Agreement provisions in any respect.
- (16) A Developer that is required to construct a water transmission line to serve a development must pay the Water Transmission Capital Recovery Fee.
- (17) Water Transmission Fees collected by the County that exceed the documented initial construction cost of a particular transmission line shall be retained by the County.
- (18) Reimbursement payments shall be made annually on or before January 31st of each year (not to exceed twenty-five [25] years from the time of approval by the Board of Commissioners) with the exception of cases where there are multiple extensions of the same transmission line and each extension has a Water Main Reimbursement Agreement in effect. In this special case, payments to agreements dated later shall not be made until earlier dated agreements have been refunded the entire documented initial construction cost. This may result in the receipt of less than ten annual payments to the later-dated agreement holders. The twenty-five (25) reimbursement period for these later dated agreements shall not be amended. The agreement shall terminate twenty-five (25) years from the time of approval by the Board of Commissioners.