

MAYOR:
Bradley D. Belt

MAYOR PRO TEMPORE:
Russell A. Berner

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III



COUNCIL MEMBERS:
E. Luke Farrell
Madeleine Kaye
Lance Spencer

Town of Kiawah Island
INFRASTRUCTURE & PUBLIC WORKS COMMITTEE
Council Chambers Meeting Room
February 12, 2026; 10:00 am

AGENDA

- I. **Call to Order:**
- II. **Roll Call:**
- III. **Citizens' Comments (Agenda Items Only):**
- IV. **Approval of Minutes:**
 - A. Minutes of the Infrastructure and Public Works meeting of November 17, 2025
 - B. Minutes of the Joint Infrastructure and Public Works and Resiliency meeting of January 15, 2026
- V. **Presentations:**
 - A. **Berkeley-Charleston-Dorchester Council of Governments** - Ron Mitchum, Executive Director, and Andrea Kozloski, Deputy Director of Operations and Support
 - Transit Discussion
 - B. **Berkeley Electric Coop.** - Tony Vincent, Vice President of Public Relations, Robert Matthew, System Engineer, and Eddie Plowden, Director of Energy Services
 - Discussion of February 1st and 6th Outages; Causes and After Actions
 - Recent Reports of Increased Power Bill Spikes and Possible Surges Damaging Residential Equipment
 - C. **Infrastructure and Public Works Committee Priorities for 2026** – Mayor Belt
- VI. **Old Business:**
 - A. Update on Franchise Agreements
 - B. Update on Leisure Trail extension
- VII. **New Business:**
 - A. Review and provide a recommendation on **Ordinance 2026-05** – An Ordinance to amend Article 10 - Utilities, Chapter 2. - Utilities Service Operating Agreement, Section 10-202. - Sewerage
- VIII. **Chairman's Updates:**
- IX. **Committee Members' Comments:**
- X. **Citizens' Comments:**
- XI. **Adjournment:**

Town of Kiawah Island
SPECIAL CALL
INFRASTRUCTURE & PUBLIC WORKS COMMITTEE

Council Chambers Meeting Room
November 17, 2025; 10:00 am

Minutes

I. Call to Order: *Chairman Spencer called the meeting to order at 10:00 am.*

II. Roll Call:

Present at the Meeting:

Lance Spencer, *Chairman*
David DeStefano
Philip Mancusi-Ungaro
Brad McIlvain
John Shippee
Warren Stannard
Brian Gottshalk

Also Present:

Jody Forrest, *Kiawah Island Community Association*
Tom Nevin, *Kiawah Island Club*
Craig Sorenson, *Southwest Water Company*
Becky Dennis, *Kiawah Island Utility*

III. Citizens' Comments (Agenda Items Only):

There were no citizens' comments.

IV. Old Business:

A. Kiawah Island Utility / SouthWest Water Company Proposed Rate Adjustment Application Discussion – Becky Dennis and Craig Sorensen

Before the utility representatives arrived, committee members engaged in preliminary discussion about the rate increase request. Phillip Mancusi-Ungaro expressed concern about whether costs were being properly allocated across different service areas, noting that at a previous meeting, the utility had stated these were all separate entities. However, he pointed out that Becky Dennis had been running the companies for many years, suggesting some level of consolidation in practice.

When Craig Sorensen, President of Kiawah Island Utilities and South Carolina Water Utilities, and Becky Dennis, Director of Operations for Kiawah Island Utilities and South Carolina Water Utilities, arrived, Chairman Spencer opened the formal discussion by explaining the committee's purpose. "The town really hasn't taken a stance or a position on any of this. We're just trying to understand better the drivers and implications of the request for the rate increase," Chairman Spencer stated. He emphasized two main areas of concern: ensuring that Kiawah residents weren't subsidizing other service areas, and understanding the capital investments that would result from the rate increase.

Craig Sorensen began by discussing the rate-setting process for investor-owned utilities in South Carolina. "It is very detailed and statutory driven, and it's a legal process that involves the Public Service Commission," he explained. He noted that the process takes at least six months and that preparation for this filing began in November or December of the previous year, with the official filing in late September.

Mr. Sorensen detailed the comprehensive nature of the filing process, explaining that they must provide testimony, books, and records, and respond to extensive data requests. "We're up to 784 questions so far," he reported, including requests from the Office of Regulatory Staff (ORS) and the Department of Consumer Affairs. He noted that the utility is sometimes required to pay for the experts hired by these agencies to review their filing.

The discussion revealed that the rate case would likely cost between \$700,000 and \$1 million, with current costs at approximately \$450,000. When asked about the frequency of these costs, Sorensen acknowledged that rate case expenses had grown significantly over time, from around \$200,000 in the past to current levels, due to increased regulatory requirements and the number of required studies.

Phillip Mancusi-Ungaro asked detailed questions about the billing structure shown in the rate notice, seeking clarification on the difference between volume rates and volume charges. Sorensen explained that the volume charge is calculated by multiplying the volume rate by actual usage, with residential customers typically using about 6,000 gallons per month. He also explained the tiered rate structure as a conservation measure and noted that sewer charges are capped at 11,000 gallons per month on Kiawah, recognizing that water usage above that amount is likely for irrigation and doesn't enter the sewer system.

A significant portion of the discussion focused on the cost-of-service study, which the PSC (Public Service Commission) required following Kiawah Island Utility's previous rate case. John Shippee asked whether ORS was examining costs by service area, to which Sorensen confirmed that "all the records were separated and consolidated and then broken back apart by the cost of service."

One of the most important revelations came when Phillip Mancusi-Ungaro asked whether rate increases were used to pay for future or past costs. Sorensen explained that South Carolina uses a historical test year approach, unlike some states that use forward-looking projections. "Any cost that is included in this filing... has to be done, spent, paid for, in service, used and useful," he stated. The test year for this filing ended on September 30, 2023, meaning the utility sought to recover costs already incurred, not future investments.

Warren Stannard asked how the utility handles anticipated or catastrophic expenses. Mr. Sorensen explained that while they don't carry large capital reserves, they work with their corporate finance team to ensure financing is available for emergencies. He noted that in extreme circumstances, they could defer some planned replacements to address urgent needs.

The discussion then turned to the aging infrastructure, particularly the 50-year-old main water supply line. Phillip Mancusi-Ungaro asked specifically about replacement plans for this critical infrastructure. Becky Dennis explained that they had already designed a replacement for the first 1,400 feet of the main line, which had experienced the most damage. She confirmed that the newer supply line installed in recent years has the same capacity as the old line, providing redundancy. "We looked at what it would cost. This was in 2011 when we started this study. And back in 2011, the cost to replace the main line going in was like over 7 million dollars," she said, explaining their decision to build a second line for \$10 million rather than simply replacing the existing one.

Craig Sorensen emphasized that while the pipeline was approaching its 50-year accounting lifespan, this didn't necessarily mean immediate replacement was required. "Just because something has met the accounting timeline of usefulness of the asset doesn't mean that we need to replace it right then," he noted, comparing it to a truck that might last 150,000 miles instead of the expected 100,000.

When asked about water loss in the system, the utility representatives reported an average annual water loss of 6-7%, which Phillip Mancusi-Ungaro acknowledged as "good" compared to some cities that experience 30-40% loss.

The conversation included a discussion about regulatory requirements beyond rate regulation. Phillip Mancusi-Ungaro raised questions about a statement in the rate notice regarding protecting nearshore waters and associated regulatory costs. Craig Sorenson explained that while they purchase treated water from Charleston Water System through St. Johns, Kiawah Island Utility maintains its own permits and is technically responsible for water quality compliance. Becky Dennis expressed concern about potential future requirements, particularly regarding PFAS treatment, noting that regulators hadn't given clear guidance on whether Kiawah would need its own treatment facilities, despite already purchasing treated water.

Tom Nevin from the Kiawah Island Club asked about the \$700,000 rate case cost and whether it occurred every four years. Craig Sorenson explained that costs had increased significantly due to additional required studies - including cost of service, lead-lag, depreciation, and rate design studies - each requiring separate experts. He wryly noted, "And at the end of the day, the lawyers win." David DeStefano asked about the impact of new customers on revenue, noting that Kiawah had likely added 300-500 new customers in recent years. Craig Sorenson confirmed that growth was factored into their calculations and actually helped them avoid rate cases longer, allowing them to keep increases smaller.

V. Chairman's Updates:

There were no updates from the Chairman.

VI. Committee Members' Comments:

Brian Gottshalk inquired about the timeline for replacing the first section of the main water line on the Parkway. Craig Sorenson indicated it would likely be in the second half of 2025 at the earliest, as they still needed to finalize design, obtain approvals, and put the project out to bid. Ms. Dennis indicated that water service interruptions would be minimal, limited to the final tie-in phase, though they might request large irrigation users to reduce consumption during the work as a precautionary measure.

As the meeting concluded, Chairman Spencer thanked Craig Sorenson and Becky Dennis for their time and transparency. Phillip Mancusi-Ungaro emphasized that one of the most important things he learned was the historical nature of rate recovery in South Carolina, suggesting this should be emphasized in future communications to help residents understand that rate increases cover past expenses, not future projections.

VII. Citizens' Comments:

There were no citizens' comments.

VIII. Adjournment:

Chairman Spencer adjourned the meeting at 11:15 am.

Submitted by,

Petra S. Reynolds, Town Clerk

Date

**JOINT
INFRASTRUCTURE & PUBLIC WORKS and
RESILIENCY COMMITTEE**
Council Chambers Meeting Room
January 15, 2026; 10:00 am

Minutes

I. Call to Order: *Chairman Spencer called the meeting to order at 10:00 am.*

II. Roll Call:

Present at the Meeting:

Lance Spencer, *Chairman*
David DeStefano
Philip Mancusi-Ungaro
Brad McIlvain
John Shippee
Warren Stannard
Brian Gottshalk

Also Present:

Jody Forrest, *Kiawah Island Community Association*
Patrea St. John, *Planner 1*
John Taylor, Jr., *Planning Director*
Lucas Hernandez, *Senior Project Scientist, Weston & Sampson*
Resiliency Committee Members:

- Madeleine Kaye, *Chairman*
- Fran Williams
- Gene Babinec
- Bob Martineau
- Lee Bundrick
- Ryan Elmers
- Karen Madoff
- Rebecca McSwain

III. Citizens' Comments (Agenda Items Only):

No citizens' comments were made on agenda items.

IV. Approval of Minutes:

A. Deferred to February Meeting

V. Old Business:

None

VI. New Business:

A. Stormwater & Sea Level Rise Study

Patrea St. John opened the discussion by providing context for the current effort, explaining how it builds upon the Town's adoption of Charleston County standards. "So, this effort is actually building on what we did earlier last year, which was to adopt Charleston County standards. Prior to that, we were following state standards, which really only applied to projects over an acre." She emphasized that the Town now reviews stormwater management plans for every project on the island to track water flow, but they wanted to develop supplemental standards specific to Kiawah's unique

conditions. "We wanted to look at supplemental standards that were specific to the island and the conditions of the island. And that's when we hired Lucas Hernandez, with Weston and Sampson, who's very familiar with the island and is helping us figure out what would make the most impact."

Lucas Hernandez, Senior Project Scientist at Weston and Sampson, then introduced himself, sharing his background with the firm for just under 4 years and his 3-year experience working with Ryan Elmers at the Community Association. "I got a good amount of experience here. I was here for about 3 years and got to see a lot on the infrastructure side. Got to work on the 6 major infrastructure projects that KICA has completed now." He expressed excitement about returning to work on the island's ordinances.

Lucas Hernandez outlined the goals of reviewing stormwater policies: improving future drainage conditions, reducing runoff from new development and redevelopment, encouraging low-impact development practices, avoiding impacts to existing properties, and incorporating stakeholder feedback. "I know new development will be limited on the island, but redevelopment is something that I think the island is starting to sort of roll into. So that's something that we want to be considering with these recommendations."

He detailed the specific policies under review, including precipitation depths and intensities, grading and fill requirements, runoff-reduction requirements, single- and multifamily design standards, redevelopment standards, and floodplain standards. Lucas Hernandez emphasized that precipitation depths and intensities were "the pivotal point for all of the other recommendations that we'll be making. It's very foundational to the rest of the project."

The research included reviewing standards from multiple communities, including Charleston, James Island (both their 2019 recommendations and what they actually implemented), Charleston County, Sullivan's Island, and Folly Beach. Lucas Hernandez stressed, "These are just baselining information for us to understand what other communities are doing. What other communities are doing may not work for Kiawah Island. So that's why we want to pull together some existing condition information to understand better what's going on."

Lucas Hernandez then presented a stormwater model showing the island's drainage conditions before and after improvements for a 1-year rainfall event (3.8 inches in 24 hours with mean higher high water tide conditions). He noted the island has made significant improvements but questioned whether the rainfall data used in these models needs updating to reflect current conditions and future projections.

The "after" image showed dramatic improvements following infrastructure upgrades, demonstrating the system could now manage a 1-year event at average high tide. However, Lucas Hernandez posed critical questions: "What about at a 9-foot tide as we see out here sometimes? What about at a higher storm event interval? Are the storm intervals and the rainfall depths that we used for these models still appropriate today?"

At this point, Chairman Spencer interjected with an important question about scope: "One of the things that our Infrastructure Public Works Committee has been looking at is sea level rise, and or talking about, I should say. And stormwater related to the town roadways, Kiawah Parkway, the bridge, and Beachwalker Drive. Is that in scope for what you're looking at, or is that something we should talk about as a separate product?"

Lucas Hernandez clarified that while not directly in scope, the effort would produce "a pretty high level understanding of different zones of the island where nature-based solutions are best suited to work," based primarily on elevation. This product would factor in sea level rise projections for 2050, helping determine where infiltration practices would be viable.

When asked to explain tidal boundary conditions, Lucas Hernandez provided a clear explanation: "Your tidal boundary condition... your ability to get water out of a pipe. So, if the tide is higher and the pipe is here, the water won't be able to come out of the pipe. But if the tide drops, the water can

run out." Ryan Elmers added context about the critical role of stormwater ponds: "I think that is one of the very key factors that we manage, which is the stormwater ponds and having to get ahead of significant rainfall events. That's what our team does. We go and manage the pond levels so that there is an area for the water to flow to, because when the tide is high, and there's significant rain, there's nowhere for the water to go other than those ponds."

Committee Members discussed updating the decision tree for pond management, noting that it was based on 2015 factors and was created before the new infrastructure projects. Lucas Hernandez agreed this should be revisited, suggesting they "take the model that's existing. Choose a different boundary condition... and then let's see what rainfall totals were added to the model and determine if those should be changed."

The discussion then turned to pond capacity, with Jean asking about comparing bathymetry profiles from 10 years ago and 1.5 years ago to assess capacity changes due to sediment accumulation. Ryan Elmers confirmed they had done this analysis for the whole pond system, noting, "It isn't just filling up the sediment, we routinely clean them out too."

A Resiliency Committee Member raised concerns about gate functionality, noting that "the pond that I live on has had a broken gate for months" during king tide season, which has caused erosion of pond edges and backyards. She emphasized, "Ponds are only as good as they're functioning correctly." Ryan Elmers acknowledged the ongoing maintenance challenges, noting, "you can't run to Lowe's and get one" for these specialized gates, and that they were exploring new, more durable materials.

Lucas Hernandez then presented a watershed map showing impervious coverage percentages across the island. The map used color coding, with the lightest areas having impervious coverage of 11% or less and the darkest areas exceeding 30%. He explained the significance: "30 percent was this number... that introduces contaminants to neighboring water bodies. So, it's your magic number for a watershed." The most impervious area was identified as the Sanctuary property area around Kestrel Court.

Lucas Hernandez suggested that these watersheds could potentially be designated as special protection areas, with additional requirements for highly impervious zones. However, he acknowledged this was "a little forward for where we're at right now."

When asked about Freshfields Village analysis, Lucas Hernandez confirmed it was included but noted its unique challenges: "Freshfields is a little more unique. It's highly impervious... It's more difficult to apply a recommendation in fresh fields just outright because of the limited space to add, you know, infiltration practices." Mayor Belt emphasized the importance of addressing the 4-5 remaining undeveloped parcels in Freshfields.

Lucas Hernandez then reviewed how this work supports previous Town planning documents, highlighting relevant recommendations from the 2017-2018 Sea Level Rise Adaptation Plan, particularly the directive that "The Town should update its building and flood management codes to include proactive management regulations." He noted the plan's emphasis on encouraging LID practices, nature-based solutions, permeable surfaces, and proper grading away from homes.

The Adaptive Management Plan's focus on threshold definitions and monitoring protocols was highlighted as crucial for understanding the island's realistic rainfall patterns. The Marsh Management Plan's recommendations to eliminate impermeable surfaces and formalize stormwater best management practices for private properties were also noted.

Moving to the technical details of precipitation standards, Lucas Hernandez explained the considerations: accounting for increasing storm intensity, reducing flood risk, and improving long-term infrastructure performance. He provided a detailed explanation of return periods and design storm events, clarifying that "the percentage that you see the 1 percent for the hundred year. All that means is that you've got 'x' chance of seeing that rainfall event in 1 year."

Lucas Hernandez presented examples of notable storms, including Hurricane Dorian (2019), which qualified as a 10-year rainfall event. He emphasized, "What you saw on the island during this event doesn't necessarily mean that's what a 10-year storm looks like for Kiawah because the tide again is that big variable."

John Taylor, Jr., suggested incorporating more recent events, like nor'easters, for context. Mayor Belt noted that electronic gauge data showed "multiple instances when there have been 5 to 6 inch rainfall events over a 2 to 3 day period" from various weather systems, not just named storms.

Lucas Hernandez then detailed rainfall depth standards used by various communities, noting that NOAA Atlas 14 is the industry standard. He explained how Charleston applied a 10% safety factor to these values and strongly recommended using NOAA Atlas 14/15 data: "I think it is an industry standard. It is an authoritative dataset for the nation." He suggested providing three recommendation levels - green (easy to meet), yellow (more stringent), and red (most stringent) - allowing the Town flexibility in implementation.

Brad McIlvain asked about maintenance recommendations for the existing system. Lucas Hernandez clarified that this wasn't within the current scope but noted that implementing nature-based solutions could help "capture some of the sediment before it's able to enter the storm water system," and that recommendations for grading and slopes would help reduce sediment load.

Resiliency Committee Chair Kaye asked about the project endpoint and methodology. Lucas Hernandez explained the final deliverable would be "a summary document or report that has all of our recommendations outlined," comparing current standards with their recommendations in three tiers for each standard category. He also mentioned plans for a public workshop to make the information more digestible for the general public and to explain the rationale behind the recommendations.

When asked about methodology, Lucas Hernandez explained the process involved researching standards, pulling relevant ordinances from other communities, collecting island-specific data, including impervious coverage information from the Conservancy, and collecting GIS information to develop recommended zones for practices, and using island-specific data to tailor recommendations. Lucas Hernandez emphasized the blend of general research and Kiawah-specific investigation: "going between research, collecting data on Kiawah, and then blending those together for our final recommendations, workshop, and presentation."

Philip Mancusi-Ungaro raised concerns about potential development on Beachwalker Drive, noting substantial new impervious surface there and whether they were evaluating the system's capacity to handle it. Lucas Hernandez explained this would be a "build out analysis" - examining maximum impervious coverage scenarios - which wasn't currently scoped but could be discussed. He suggested two approaches: applying full build-out numbers to calculate watershed impacts or designating areas of new development as special protection areas.

Chairman Spencer noted this had been a constant community request, with Resiliency Chairman Kaye confirming it came up in the Environmental Committee meeting as well, indicating "broad interest."

Mayor Belt then connected this to a specific example, noting that previous development proposals would have only needed to comply with existing DHEC-level stormwater guidelines. He asked about the gap between existing standards and potential new recommendations, referencing work done by Lucas's firm and the Conservancy on behalf of concerned neighbors.

Lucas Hernandez acknowledged there would be "a big difference," explaining that previous reviews revealed developers were using rainfall depths from 1992, making it "a lot easier to demonstrate you can manage storm water if you're using smaller rain[fall] totals."

Philip Mancusi-Ungaro added EPA background context, noting that state standards based on EPA stormwater runoff coefficients were "old" and hadn't been updated recently. Charleston County had

updated theirs in 2017, "because they felt those coefficients were too low. They weren't really capturing what that runoff is."

When asked why Kiawah would start with something lower than Charleston's standards, Lucas Hernandez explained his reasoning: "I want to make sure that the storm water model can work with the storm water that we have now that represents what flooding looks like on the island in each of these design storm events. I want to make sure it's realistic that we can meet... that [NOAA] Atlas 14 standard." He reiterated his three-tier recommendation approach.

As the meeting drew to a close, Resiliency Committee Chair Kaye thanked everyone for accommodating the joint meeting, noting it came together quickly after discovering overlapping objectives. She expressed that the meeting had been very helpful in understanding the project scope and thanked Patrea St. John and Lucas Hernandez for their work.

VII. Chairman's Updates:

No updates were provided.

VIII. Committee Members' Comments:

IX. Citizens' Comments:

No citizens' comments were made.

Chairman Spencer wrapped up the meeting, echoing Chairman Kayes's thanks to all participants and acknowledging the need to adjourn promptly for the Public Safety Committee meeting to begin.

X. Adjournment:

Chairman Spencer adjourned the meeting at 11:58 am.

Submitted by,

Petra S. Reynolds, Town Clerk

Date

TOWN OF KIAWAH ISLAND

ORDINANCE 2026-05

**AN ORDINANCE TO AMEND ARTICLE 10 – UTILITIES, CHAPTER 2. UTILITY SERVICES
OPERATING AGREEMENT, SECTION 10-202. SEWERAGE**

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 10 - Public Utilities*; and

WHEREAS, the Town of Kiawah Island has determined that it is in the public interest to amend the *Public Utilities Ordinance* to clarify the applicability of sewer or wastewater services requirements; and

WHEREAS, this text amendment aligns with the objectives of safeguarding the public health, safety, and welfare of the citizens of the Town of Kiawah Island; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this ordinance is to amend Section 10-202(b) of Article X, Public Utilities, to clarify that the sewer or wastewater services requirement shall not apply to any utility commission or utility provider owned, operated, or controlled by a municipality.

Section 2 Ordinance

- (1) Section 10-202(b) of the Town of Kiawah Island Code of Ordinances is hereby amended as shown in the attached **“Exhibit A,”** which is hereby incorporated herein by reference.

Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 Effective Date and Duration

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ___ DAY OF ___, 2026.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: February 3, 2026

2nd Reading:

DRAFT

Article 10 UTILITIES*CHAPTER 1. Consent, Franchise or Operating Agreement Requirements***Sec. 10-101. Consent or Franchise Agreement Required for Use of Public Rights of Way**

- (a)** It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any road or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utility services, including electricity, natural gas, water and wastewater, broadband connectivity, cable television, telephone and other telecommunications services or other purpose, without a franchise agreement approved by the Council by ordinance that prescribes the term, fees, and conditions pertaining to the provision of services.
- (b)** Any person providing utility services prior to the date of enactment of this section shall be required to apply for and be granted a franchise for the services provided in the same manner as a new franchise applicant with [X] days of enactment of this section.
- (c)** The fees authorized by the franchise agreement shall be set by the ordinance approving such agreement and shall be consistent with the limits set by state law. Such fees shall not be in lieu of or be credited against business license taxes unless specifically provided for in the franchise or consent agreement.

CHAPTER 2. Utility Services Operating Agreement

Sec. 10-201. It shall be unlawful for any person to provide utility services, including electricity, natural gas, water and wastewater, broadband connectivity, cable television, telephone and other telecommunications services, to any resident or property owner within the municipal boundaries of the Town without an operating agreement approved by the Council by ordinance that prescribes the terms and conditions pertaining to the provision of services necessary to protect the health, safety and welfare of such residents or property owner.

Sec. 10-202. Sewerage**(a) Use of Sewers Required.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any Utility sewer facilities, any human or animal excrement, garbage, or other objectionable waste in an unauthorized or unsanitary manner.

It shall be unlawful to discharge into any natural outlet within the town, any

sewage or other polluted waters except to appropriate utility treatment facilities.

It shall be unlawful to construct or maintain any privy, privy fault, septic tank, cesspool, or other facility intended or used for disposal of sewage, unless such privy, privy fault, septic tank, cesspool, or other facility is in, and remains in, full compliance with all DHEC and other state and federal regulations governing the same.

At such time as a public sewer gravity line is constructed within 600 feet of a residence or other facility intended for use for the generation of sewage, a service connection shall be made by the property owner to the public sewer in compliance with this chapter. Provided, however, if there exists at the time public sewer is available a septic system meeting state standards and receiving waste water, the property owner shall have 15 years from the date of availability in which to connect the dwelling to the public sewer; unless one or more of the following conditions occur:

- (1) The property is sold;
 - (2) Property is inherited, except for joint tenancy; and/or
 - (3) The septic system requires replacement.
- (b) Sewer or Wastewater Services Requirement. Any person providing sewer or wastewater services within the Town shall, upon written request, provide such services to any resident or property owner within the Town's municipal boundaries so long as such resident or property owner pays the commercially reasonable costs for connecting to and receiving such services. This section shall not apply to any utility commission or utility provider owned, operated, or controlled by a municipality.
- (c) No statement contained in this section shall be construed to nullify any additional or other requirements that may be imposed by the appropriate state or local health officer.

CHAPTER 3. Penalties.

Failure to comply with any provisions of this chapter shall subject the violator to the ordinance violation penalties set forth elsewhere in this Code. Additionally, the violator may be subject to additional federal penalties as set forth in 33 USC 1150 et seq.