

City of Tega Cay, South Carolina

Regular City Council Meeting Agenda

*Tega Cay Glennon Center - Lower Level
15077 Molokai Drive, Tega Cay, SC*

6:30 P.M. Call to Order, Pledge of Allegiance and Moment of Silence

1. Public Comments
2. Approval Of Minutes
 - 2.a. Regular City Council Meeting, February 17, 2015

Documents: [2A DRAFT MINUTES 2.17.15.PDF](#)

3. Special Presentations
 - 3.a. Police Department Accomodation
 - 3.b. School Board Bond Referendum Presentation
4. Committee Appointments
 - 4.a. Planning Commission
 - 4.b. Community Relations
 - 4.c. Building Codes Of Appeals
 - 4.d. Storm Water

5. Unfinished Business

- 5.a. 2nd Reading Of An Ordinance To Annex By 100% Petition Method, And Incorporate Within The Corporate Limits Of The City Of Tega Cay, That Area Owned By Drake Gardendale, LLC, Approximately ± .76 Acres, Tax Map Number 654-00-00-015, And To Amend The Gardendale (AKA Lake Ridge) PDD To Add The Above Parcel To Pod E To Be Designated As Single-Family Residential Use.

Documents: [5B ORD. 481-ANNEXATION ORDINANCE -GARDENDALE PDD AMENDMENT \(2\).PDF](#), [5B1 PLAT.PDF](#)

6. New Business

- 6.a. Resolution In Opposition Of H3490, A House Bill To Cap Business License

Documents: [6A1 RESOLUTION 2015--01.PDF](#)

- 6.b. Introduction And 1st Reading Of Ordinance 77 Amended

Documents: [6B1 SECTION 19-16_PAGE 18_REDLINE.PDF](#), [6B2 SECTION 19-137_SIGN REGULATIONS_SEPT. 2014.REDLINE.PDF](#), [6B3 SECTION 19-167_SEPT_2014_REDLINE.PDF](#)

- 6.c. Introduction And 1st Reading Of Utility Ordinance

Documents: [6C1 ORD ___ UTILITY ORDINANCE.PDF](#)

- 6.d. Introduction And 1st Reading Of Ordinance 426 Amended

6.d. Introduction And 1st Reading Of Ordinance 426 Amended

Documents: [6D1 ORDINANCE 426 AMENDED.PDF](#)

6.e. Approval Of Letter Of Credit And Performance, Labor And Materials Surety Agreement For Cameron Creek Phase 1

Documents: [6E1 APPROVAL, PROB COST, BOND EST CAM CREEK PHASE 1.PDF](#)

6.f. Lake Patrol Plan/Costs

7. City Manager's Report

8. Public Comments

9. Council Comments

10. Executive Session

10.a. Discussion Incident To Contractual Matters Related To Piedmont EMS Lease Agreement

10.b. Discussion Of Personnel Matters

11. Adjournment



City of
TEGA CAY, SOUTH CAROLINA

Regular City Council Meeting Agenda
Philip T. Glennon Center – Council Chambers
15077 Molokai Drive, Tega Cay, SC
Tuesday, February 17, 2015

Councilmembers Present: Mayor George Sheppard, Mayor Pro Tempore Jennifer Stalford, Dottie Hersey, Ron Kirby and Chris Landvik-Larsen. A quorum was present.

Councilmembers Absent: N/A

Staff Present: Charlie Funderburk, City Manager; Katie Poulsen, Assistant City Manager; Tim Gillette, Operations Director; Susan Britt, Planning & Development Manager, Sylvia Szymanski, Municipal Clerk

The Press was duly notified of the meeting.

Mayor George Sheppard called the meeting to order at 6:30 p.m., noted it was a regular City Council meeting held on Tuesday, February 17, 2015. He announced all members of Council were present. He stated the Press was duly notified of the meeting and then led the Pledge of Allegiance, and a Moment of Silence with a special request to remember Sgt. Anthony White.

ITEM 1 – JOINT PUBLIC HEARING WITH PLANNING COMMISSION

- A. Rezoning of TMS # 654-00-00-015, from the AGC zoning district in the County to PDD in the City as part of 100 percent Annexation Petition

Chairman Tom Weir of the Planning Commission acknowledged there was a quorum. Members not present were Doug Burns, Bob Cullen, and Ken Huber. Chairman Weir introduced Susan Britt to present the petition and recommendation by the Planning Commission.

There were no Planning Commission member comments.

There were no City Council comments.

There were no public comments.

Chairman Weir closed the public hearing.

ITEM 2 – PUBLIC COMMENTS

Mayor Sheppard opened the floor for comments. No one came forward.

MOTION

Mayor Sheppard moved to amend Item 9 on the agenda. Table 9c—Discussion of personnel matters and add 9d—Discussion incident to contractual matters.

Councilmember Kirby seconded.

VOTE: AYES unanimous

ITEM 3 – APPROVAL OF MINUTES

Mayor Sheppard asked if there were any questions or deletions regarding the approval of minutes for Regular Meeting, Tuesday, January 20. There being none, the minutes were approved.

ITEM 4 – SPECIAL PRESENTATION

City Manager updated Council on the update to enhance the City's new website. He introduced the City's Assistant City Manager who presented some of the features and enhancements.

ITEM 5 – NEW BUSINESS

- A. Planning Commission Recommendation regarding Rezoning of Tax Map Number 654-00-00-015 as an Amendment to the Gardendale (AKA Lake Ridge) PDD, Pod E to be designated as single-family residential use.

Planning and Development Manager Susan Britt presented the Planning Commission's recommendation for approval of Rezoning of Tax Map Number 654-00-00-015 as an Amendment to the Gardendale (AKA Lake Ridge) PDD, Pod E to be designated as single-family residential use.

- B. Introduction and 1st Reading of an Ordinance to Annex by 100 Percent Petition Method, and Incorporate Within the Corporate Limits of the City of Tega Cay, that Area Owned by Drake Gardendale, LLC, approximately ± .76 Acres, Tax Map Number 654-00-00-015, and to Amend the Gardendale (AKA Lake Ridge) PDD to add the above Parcel to Pod E to be designated as Single-family Residential Use.

City Manager Funderburk referred to the recommendation by the Planning Commission and staff's favorable consideration.

MOTION

Councilmember Hersey motioned to approve the introduction of 1st Reading of an Ordinance to Annex by 100 Percent Petition Method, and Incorporate Within the Corporate Limits of the City of Tega Cay, that Area Owned by Drake Gardendale, LLC, approximately ± .76 Acres, Tax Map Number 654-00-00-015, and to Amend the Gardendale (AKA Lake Ridge) PDD to add the above Parcel to Pod E to be designated as Single-family Residential Use.

Councilmember Kirby seconded the motion.

VOTE: AYES unanimous

ITEM 6 – CITY MANAGER'S REPORT

City Manager Funderburk announced to Council:

- 1) February 24 is York County Day, a Chamber of Commerce event in Columbia, SC.
- 2) March 6 is Walk to School Day for Tega Cay Elementary School and also Coffee with a Cop
- 3) Gold Hill Elementary Kindergarteners will visit City Hall on March 12
- 4) Tega Cay Elementary Kindergarteners will visit City Hall on March 6, may be rescheduled
- 5) Statement of Economic Interest forms are due March 30 by Noon
- 6) Update from SCDNR survey on the coves, Lt. Dottie Pritcher advised us that after an investigation, the investigator makes their recommendation to his supervisor who then makes a recommendation to Colonel Frampton. The Colonel has final say if a zoned recommendation may be established on any part of the body of water. They are still planning on conducting an investigation once the boating season hits – Memorial Day to Labor Day. Chief Parker has been in touch with DNR and they will work together to be more visible on the lake. Chief Parker has put together a report on the cost of having boat patrols every weekend. We will have that for Council at a workshop or at the March Council meeting for Council's consideration.
- 7) Spring sports registration closed this weekend with 1,462 youth sport participants, the highest registration thus far, and 200 more than we had last fall.
- 8) March 27 is the Mayor's Cup Golf Tournament at \$100 per golfer. We try to limit it to 132 golfers.
- 9) Congratulations to Mayor Pro Tem Stalford and Councilmember Hersey on graduating from the Municipal Elected Officials Institute.
- 10) Congratulations to Firefighter Kenny Sallenger who will serve as the City's Safety Risk Coordinator. Having a safe work environment helps the City save money on premiums.
- 11) Thank you to our Public Works crews and Public Safety crews for their efforts during the ice storm.
- 12) Regarding economic development, and with assistance from Katie Poulsen, Susan Britt, and York County Economic Development Director David Swenson, the City has pertinent information on demographics. This study includes the amount spent on food, both at home and away from home. In

2014, Tega Cay citizens spent \$15,780,656 on food away from home. The average is \$5,261 per household annually. Susan Britt has compiled information regarding the food industry. The City proposed to compile the data and download a presentation on a flash drive as a marketing tool and add it on the website to welcome retailers to the City.

Councilmember Landvik-Larsen asked about potential follow up to a mailing of this information. City Manager Funderburk responded that he would follow up with a phone call or email about the information. A committee would include the City Manager, Katie Poulsen, Susan Britt and Tom Goebel. The plan is to entice certain retailers.

Councilmember Landvik-Larsen asked if Councilmembers could be included and he received an affirmative response from the City Manager followed by all Councilmembers expressing an interest.

Councilmember Hersey suggested a Tega Cay Day giving the City the chance to showcase its development services, meet the staff, etc. to interested parties.

City Manager considered partnering with York County Chamber and Economic Development for such occasions.

Councilmember Stalford expressed concern over the length of time to accomplish codification of Ord. 77 since the signage is imperative.

City Manager indicated that the signed material could be back to Council as early as the next meeting with the remainder being completed in late summer or early fall. The only impact to economic development would be the sign regulations. The remainder of Ord. 77, based on Stonecrest's platting and zoning, which is GC1 and GC2, except for the residential areas such as Stonecrest Villas and the amendment to allow for the apartments. The vacant parcels owned by Stonecrest Enterprises are GC1 and GC2 which would allow for this type of development to come in. The bulk of changes to Ord. 77 as it relates to the Comp Plan is not as pressing as the signs. The City Manager's recommendation is that it should be done in two phases. Staff can take care of necessary updates in house vs. spending \$50K. Business owners have expressed to staff their reservations in regards to current sign regulations.

Mayor Sheppard asked if this could come back to Council by March.

City Manager Funderburk reminded Council that a public hearing has already been held. The City could have a first reading in March or just discussion.

Mayor Sheppard asked for the material to be distributed within a week, have 1st Reading on March 16 and 2nd Reading in April.

Mayor Pro Tem Stalford asked about deer population in Tega Cay.

City Manager Funderburk reiterated that there has been no response from DNR, but Tim Gillette is pushing for an answer.

ITEM 7 – PUBLIC COMMENTS

No one came forward.

ITEM 8 – COUNCIL COMMENTS

Councilmember Kirby will plan to attend York County Day. He thanked Katie for marketing the Father Daughter Dance which was a success. There were 40 reservations, but in the end there were 110.

Congratulations to Kenny Sallenger and thanks to Public Works for their help with the ice storm.

Councilmember Landvik-Larsen acknowledged that at one time there were wave runners on the lake that were donated by Alpha Motorsports of Rock Hill. The Police Chief may want to explore Hagar as a candidate possible donation of wave runners. He thanked Katie on the updated website. He welcomed Sylvia back to the City and thanked Tim for the work on the roads in the recent storms.

Councilmember Hersey wanted to reiterate the impact of economic interest. There is a \$100 fine if one is late. Thanks for Charlie for updating Council on TCUD2. Thanks to those behind the scenes for doing a great job. The website looks fantastic and it is great to see such improvement in the last six years.

Everyone is thinking of Sgt. White and there is hope for good reports from the Chief and Sgt. White is on the road to recovery.

Mayor Pro Tem Stalford announced that the Beautification Committee meets on Thursday at 2pm in the lower level of the Glennon Center and they have two workdays coming up on Tuesday, March 10 and 17 in the Living Memorial Gardens at 9am. Girls on the Run is looking for mentor runners and donors. Pam Gibbs Smith is the contact, or just contact Mayor Pro Tem Stalford who will make the connection.

Mayor Sheppard announced the Anthony White GoFundMe site is up to \$16,000 donated. One can Google GoFundMe Anthony White to access the site. He recommended the water department continue using phone numbers for easier customer access to their accounts. Several dates were offered for a Council Retreat – April 17 and 18. Teambuilding activities would be included. The City needs to have a plan in place once the Economic Development marketing material is complete, such as having a committee like Fort Mill and York County.

ITEM 9 – EXECUTIVE SESSION

MOTION

Councilmember Hersey motioned to go into Executive Session regarding discussion incident to legal matters, discussion regarding contractual matters as it relates to Catawba Park and discussion of personnel matters.

Mayor Pro Tem Stalford seconded.

VOTE: AYES, Unanimous

ITEM 10 – ADJOURNMENT

MOTION

There being no further business, Mayor Pro Tem Stalford motioned to adjourn the meeting.

Councilmember Landvik-Larsen seconded.

VOTE: AYES, Unanimous

The meeting was adjourned at 8:52 p.m.

Respectfully Submitted,

[SEAL]

Sylvia Szymanski, Municipal Clerk

APPROVED:

George Sheppard, Mayor

APPROVAL DATE: March 16, 2015

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)
CITY OF TEGA CAY)

ORDINANCE 481

TO ANNEX BY 100 PERCENT PETITION METHOD, AND INCORPORATE WITHIN THE CORPORATE LIMITS OF THE CITY OF TEGA CAY, THAT AREA OWNED BY DRAKE GARDENDALE, LLC, APPROXIMATELY ± .76 ACRES, TAX MAP NUMBER 654-00-00-015, ADJACENT TO THE BOUNDARY LINE OF THE CITY, AS DESCRIBED ON THE BOUNDARY SURVEY ATTACHED HERETO AND INCORPORATED BY REFERENCE; AND TO AMEND THE GARDENDALE (AKA LAKE RIDGE) PDD TO ADD THE ABOVE PARCEL TO POD E, DESIGNATED AS SINGLE FAMILY RESIDENTIAL DEVELOPMENT

WHEREAS, the owner of the real estate designated as York County TMS #'s 654-00-00-015, Located on New Gray Rock Road and containing ±.76 acres, as described on the attached boundary survey, has petitioned the City Council of the City of Tega Cay to annex to the City of Tega Cay.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Members of City Council duly assembled;

SECTION I. That the described land on the attached boundary survey and all adjacent rights-of-way, contiguous to the boundary of the City of Tega Cay is hereby annexed to, taken into and made a part of the City of Tega Cay.

SECTION II. That the property above described and hereby annexed shall be Zoned Gardendale (AKA Lake Ridge) PDD "Planned Development District" under the Zoning Ordinance of the City of Tega Cay.

FIRST READING: February 17, 2015
SECOND READING: March 16, 2015

Enacted this ___ day of ____, 2015, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

SIGNED:

[SEAL]

George C. Sheppard, Mayor

Jennifer Stalford, Mayor Pro Tempore

Dottie Hersey, Council Member

Ron Kirby, Council Member

ATTEST:

Charlie Funderburk, City Manager

Chris Landvik-Larsen, Council Member

Certificate of Adoption

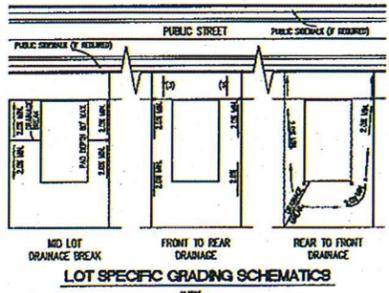
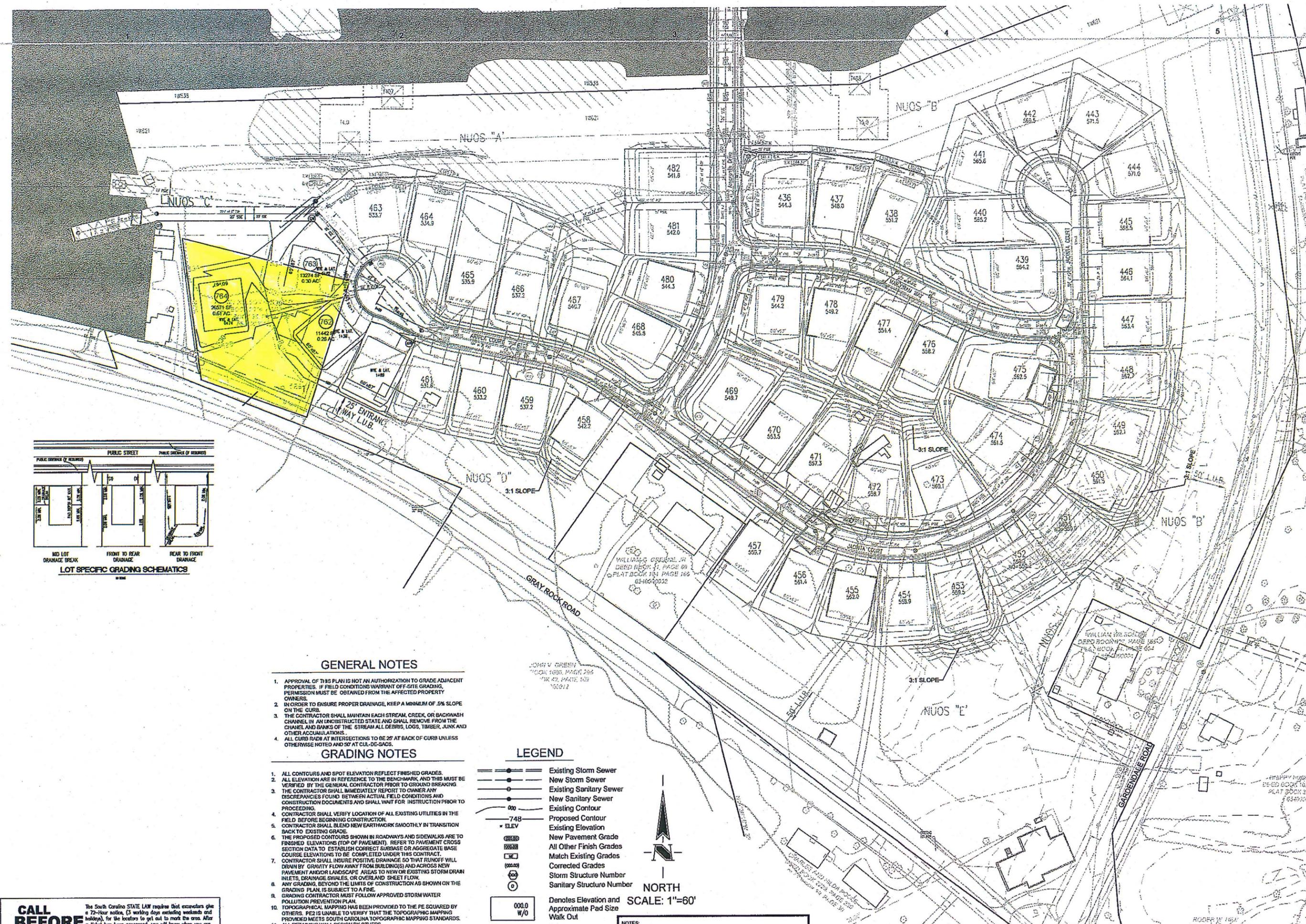
I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ___ day of ____, 2015.

Sylvia Szymanski

Municipal Clerk

MATCH LINE SEE SHEET C118

SEE SHEET C119



GENERAL NOTES

- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. IF FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 5% SLOPE ON THE CURB.
- THE CONTRACTOR SHALL MAINTAIN EACH STREAM, CREEK, OR BACKWASH CHANNEL IN AN UNOBSTRUCTED STATE AND SHALL REMOVE FROM THE CHANNEL AND BANKS OF THE STREAM ALL DEBRIS, LOGS, TIMBER, JUNK AND OTHER ACCUMULATIONS.
- ALL CURB RADI AT INTERSECTIONS TO BE 25' AT BACK OF CURB UNLESS OTHERWISE NOTED AND 50' AT CUL-DE-SACS.

GRADING NOTES

- ALL CONTOURS AND SPOT ELEVATION REFLECT FINISHED GRADES.
- ALL ELEVATION ARE IN REFERENCE TO THE BENCHMARK AND THIS MUST BE VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO GROUND BREAKING.
- THE CONTRACTOR SHALL IMMEDIATELY REPORT TO OWNER ANY DISCREPANCIES FOUND BETWEEN ACTUAL FIELD CONDITIONS AND CONSTRUCTION DOCUMENTS AND SHALL WAIT FOR INSTRUCTION PRIOR TO PROCEEDING.
- CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES IN THE FIELD BEFORE BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL BLEND NEW EARTHWORK SMOOTHLY IN TRANSITION BACK TO EXISTING GRADE.
- THE PROPOSED CONTOURS SHOWN IN ROADWAYS AND SIDEWALKS ARE TO FINISHED ELEVATIONS (TOP OF PAVEMENT). REFER TO PAVEMENT CROSS SECTION DATA TO ESTABLISH CORRECT SUBBASE OR AGGREGATE BASE COURSE ELEVATIONS TO BE COMPLETED UNDER THIS CONTRACT.
- CONTRACTOR SHALL INSURE POSITIVE DRAINAGE SO THAT RUNOFF WILL DRAIN BY GRAVITY FLOW AWAY FROM BUILDING(S) AND ACROSS NEW PAVEMENT AND/OR LANDSCAPE AREAS TO NEW OR EXISTING STORM DRAIN INLETS, DRAINAGE SWALES, OR OVERLAND SHEET FLOW.
- ANY GRADING, BEYOND THE LIMITS OF CONSTRUCTION AS SHOWN ON THE GRADING PLAN, IS SUBJECT TO A FINE.
- GRADING CONTRACTOR MUST FOLLOW APPROVED STORM WATER POLLUTION PREVENTION PLAN.
- TOPOGRAPHICAL MAPPING HAS BEEN PROVIDED TO THE PE SQUARED BY OTHERS. PE2 IS UNABLE TO VERIFY THAT THE TOPOGRAPHIC MAPPING PROVIDED MEETS SOUTH CAROLINA TOPOGRAPHIC MAPPING STANDARDS.
- ALL DISTANCES GIVEN IN FEET UNLESS OTHERWISE NOTED.

LEGEND

- Existing Storm Sewer
- New Storm Sewer
- Existing Sanitary Sewer
- New Sanitary Sewer
- Existing Contour
- Proposed Contour
- Existing Elevation
- New Pavement Grade
- All Other Finish Grades
- Match Existing Grades
- Corrected Grades
- Storm Structure Number
- Sanitary Structure Number
- Denotes Elevation and Approximate Pad Size
- Walk Out



NORTH
 SCALE: 1"=60'

CALL BEFORE
 The South Carolina STATE LAW requires that excavators give a 72-hour notice, (3 working days excluding weekends and holidays), for the locators to get out to mark the area. After a 14-day time has lapsed, you will know when you are

PROJECT ENGINEER: BRAD JOHNSON, PE
 DATE: 6/13/2014
 DWN BY: BCU
 SUBMITTED BY: BCU
 PROJECT MILESTONE: PROJECT PLAN
 PROJECT NUMBER: 10-12-101

IIC

NOTES:

RESOLUTION

A RESOLUTION IN OPPOSITION OF H3490, A HOUSE BILL TO CAP BUSINESS LICENSE FEES

WHEREAS, cities and towns in South Carolina provide critical services to residents, businesses and visitors;

WHEREAS, businesses locate in cities because of the core of commercial activity centered there;

WHEREAS, this commercial activity is supported by city services including police services, fire services, zoning, street lights, sidewalks that can't be paid for on an individual usage basis;

WHEREAS, infrastructure and services to support commercial activity must be publicly funded if our cities are to maintain existing services and continue attracting private business investment and tourism to our cities, towns and state;

WHEREAS, business license taxes account for 20 to 50 percent of city and town budgets that provide funding for the critical services businesses demand;

WHEREAS, H3490, is a House bill introduced on February 3 that would cap business license taxes at \$100 per business;

WHEREAS, capping the business license tax at \$100 is grossly unfair since very large businesses will pay the same as our small local mom-and-pop store;

WHEREAS, H3490 would be catastrophic for cities and towns in reducing funding for police, fire, garbage and streetscaping and other services;

BE IT THEREFORE RESOLVED that the Council of the City of Tega Cay affirms on this day, March 16, 2015, its opposition to H3490, a bill that cuts services to residents, businesses and visitors.

Approved this 16th day of March, 2015.

[Signatures on the following page]

SIGNED:

CITY OF TEGA CAY

[SEAL]

George C. Sheppard, Mayor

Jennifer Stalford, Mayor Pro Tempore

Dottie Hersey, Councilmember

Ron Kirby, Councilmember

ATTEST:

Charlie Funderburk, City Manager

Chris Landvik-Larsen, Councilmember

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the resolution passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 16th day of March, 2015.

Sylvia Szymanski

Municipal Clerk

- (40) Marina.** A facility for the storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping, and retail facilities for owners, crews, and guests.
- (41) Minor residential access street.** A street used predominantly to provide access to abutting residential properties.
- (42) Mobile home.** A movable or portable dwelling, designed and constructed to be transported on its own chassis and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two or more units separately transportable but designed to be joined into one integral unit.
- (43) Net residential area.** That portion of a project site designated for residential lots and common open space areas.
- (44) Nursing home.** A facility providing care for two or more sick or aged persons not related by blood or marriage to the operator.
- (45) Outside Display of Merchandise.** A portable display of retail merchandise and products used to attract and entice the buying public into a connected adjacent commercial business.
- (46) Outside Table Service.** An open air seating/service area on a public or common sidewalk or patio area provided by a restaurant located on the adjoining property.
- (47) Park.** An area or facility designed to meet the demand for active and passive recreation, including but not limited to, play fields, ball diamonds, picnic and playground equipment, tennis courts, fitness trails, swimming pools, and similar uses, available to the public and under the management or control of a public agency.
- (48) Patio House.** A single family detached dwelling located parallel and close to a side lot line, upon which line is situated a patio wall designed to create privacy, patio areas and/or usable yard space between adjacent dwellings.
- (49) Pedestrian.** A person traveling on foot under their own locomotion.
- (50) Planned Development District (PDD).** A development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a site Master Plan design for a mixed use development.
- (51) Planned Unit Development (PUD).** A tract of land under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation and according to an approved outline development plan and a preliminary site plan. ¹

¹ ORDINANCE 77 ARTICLE II DEFINITIONS OF BASIC TERMS, SECTION 19-16-DEFINITIONS OF SPECIFIC TERMS AND WORDS, PAGE 18

SECTION 19-137 - SIGN REGULATIONS

(A) **PURPOSE.** This section is intended to accomplish the following objectives:

- (1) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
- (2) To minimize the distractions and the obstructing-of-view that contribute to traffic hazards and endanger public safety.
- (3) To encourage a high standard for signs in order that they should be appropriate to and enhance the aesthetic appearance and attractiveness of the community and, further, create an aesthetic environment that contributes to the ability of the community to attract sources of economic development and growth.
- (4) To allow for adequate and effective signs for communication and identification while preventing signs from dominating the visual appearance of the area in which they are located.

(B) **DEFINITIONS.** The following are types of signs included in these regulations (**See Appendix V**).

- (1) **Awning sign.** A sign attached to a structure made of cloth, metal or other material affixed to a roof like structure, as over a window or door, that serves as shelter.
- (2) **Banner.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, educational, religious or corporate organizations.
- (3) **Bulletin board sign.** A sign of a permanent nature used to announce meetings or programs to be held on or off the premises of a church, school, auditorium, library, museum, community recreation center, or for similar non-commercial use.
- (4) **Canopy sign.** A sign attached to or supported by a permanent roof-like structure or marquee of rigid materials supported by and extended from the façade of a building. Any structure that shields water from any heated area of the building will not be considered a canopy.
- (5) **Changeable Electronic Variable Message Sign (CEVMS).** A sign on which light is turned on or off intermittently by any means, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at

all times when such sign is in use; including alternative sign displays of a digital or controlled light emitting variety, including digital signs that may be scrolling message boards, liquid crystal display (LCD), or plasma display panels, electronic billboards, projection screens, or other emerging display types like living surfaces like organic light-emitting diode (OLEDs), light emitting diode (LED), light emitting polymer (LEP) and organic electro-luminescence (OEL), that can be controlled electronically using a computer or other devices, allowing direct or remote access and control of graphic, text or content, and which may vary in intensity or color. A CEVMS sign does not include a sign located within the right of way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard. For the purposes of this Ordinance all Changeable Electronic Variable Message Signs (CEVMS) shall be considered a Ground Sign.

- (6) **Construction sign.** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier or others involved in the development of the project. Construction signs shall be deemed a type of “temporary sign”.
- (7) **Directional or instructional sign.** A sign designed to guide vehicular and/or pedestrian traffic by using words such as “entrance”, “exit”, “parking”, “one-way” or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.
- (8) **Directory sign.** A secondary sign on which the names and locations of occupants or the use of a building or property are identified. The name or logo of the shopping center or complex may also be included on the sign. This sign is required to be a ground sign, and the height of the sign cannot exceed two (2) times the width (**See Appendix IV**).
- (9) **Estate Sale sign.** A sign which advertises a sale of household items from the estate of a resident. Estate Sale signs shall be deemed a type of “temporary sign”.
- (10) **Flag.** A piece of durable fabric of distinctive design that is used as a symbol or decorative feature.
- (11) **Flashing sign.** A sign that uses an intermittent or flashing light source to attract attention
- (12) **Freestanding sign.** A sign in which the structural element is permanently attached to the ground.

- (13) **Freestanding business identification sign.** A sign that directs attention to a business, profession or industry located upon the premises where the sign is displayed.
- (14) **Home occupation sign.** A sign which identifies any occupation or profession conducted within a principal residence.
- (15) **Ground sign.** A sign affixed to the ground by a solid base not less than the width of the message area, in which the height of the sign does not exceed two (2) times the width **(See Appendix I)**.
- (16) **Illegal sign.** Any sign erected after October 1, 2001, not in compliance with the provisions herein, or an unlawfully erected sign prior to October 1, 2001.
- (17) **Illumination sign.** A sign internally or externally lit.
- (18) **Incidental sign.** A sign used in conjunction with equipment or other functional elements of a use or operation. These will include, but not be limited to, drive-through window menu boards, sign on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes, etc.
- (19) **Landscaped sign.** Hedging and similar lawn material cut in a manner that represents an object, number or letter.
- (20) **Memorial sign or plaque.** Signs designating names of buildings and/or dates of erection and other items, such as architect, contractor or others involved in the building's creation and/or dedication, cut into or attached to a building surface.
- (21) **Monument sign.** A monolithic sign indicating a historical event or achievement in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.
- (22) **Noncommercial sign.** Any sign authorized by the zoning code may contain a noncommercial message in lieu of any other message. A noncommercial message is a message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with applicable size, lighting and spacing requirements.
- (23) **Outdoor advertising display (billboards).** A structure which advertises, attracts attention to, or directs persons to a business activity located on other

than the premises where the structure is erected. Nationally advertised products or services will not be deemed to be located on or carried on at the premises of local retail outlet or branch office.

- (24) **Permanent sign.** A sign, permanently installed in the ground or affixed to any structure or building. "Permanently" will mean the sign support(s) being anchored into a concrete footing that extends below the frost line for signs not affixed to the structure (roof, walls, canopy). For signs attached to the structure, they must be permanently affixed using an approved anchoring system or method.
- (25) **Planned development sign.** Signs indicating the name of an apartment, campground, industrial or mixed use development. No advertising material, except the name of the development, will be indicated on the sign. This does not include mobile home parks or recreation vehicle parks.
- (26) **Portable sign.** A sign that is not permanently attached to a structure, a building or the ground and can easily be moved from one (1) location to another. Portable signs shall be deemed a type of "temporary sign".
- (27) **Projecting sign.** Any sign which projects more than twenty-four (24) inches, including the total width of the sign and mounting bracket(s), and is affixed to the exterior wall or other exterior surface of a building, canopy or awning.
- (28) **Public interest sign.** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public, such as warning signs and no trespassing signs.
- (29) **Reader board.** An area of a sign which has changeable lettering. This area will be included in the total square footage allowed.
- (30) **Real estate sign.** A sign that is used to offer for sale, lease, or rent the premises upon which the sign is placed. Real estate signs shall be deemed a type of "temporary sign".
- (31) **Real estate off-premise sign.** A sign which attracts attention to or directs persons to a proposed development or area for sale, lease or rent, located on other than the premises where the activity is located. Real estate off-premise signs shall be deemed a type of "temporary sign".
- (32) **Roof sign.** A sign which is over or on a roof, is wholly or partially

dependent on the roof of any building for support, is attached to the roof in any way, or any combination of the above. A roof will be considered a portion of the building structure that shields water from any heated area of the building.

NOTE: Signs located on building towers, cupolas, etc. are considered roof signs if located above the main roof line of the building.

- (33) **Sandwich Board Sign.** An “A” frame sign. Sandwich board signs or (A-frame signs) shall not exceed 24 inches in width and 48 inches in height from the top of the sign to the ground where the sign is located. Sandwich board signs shall be deemed a type of “temporary sign”.
- (34) **Special Event Sign.** A noncommercial campaign, directional or information sign or banner of a public or quasi-public nature, which is used for the purpose of informing the public of major events, open to the public, with community-wide interest or regional significance. Special events may include, but are not limited to, religious, educational, charitable, civic, fraternal, sporting, or similar events including, but not limited to, concerts, sporting league signups, festivals, golf tournaments, and major sporting events. Special Event signs are to be used for short duration events (no longer than 10 days) and not for longer events such as a sporting season. Special Event signs shall be deemed a type of “temporary sign”.
- (35) **Sponsorship Sign.** A sign or banner employed by a school or by a city, civic, fraternal, religious, charitable or similar organization which identifies the sponsor (by name, address and/or logo, crest, insignia, trademark or emblem only) of recreational or sports a) events, b) programs, or c) the facility itself; provided on the premises where such signs are displayed. Sponsorship Signs shall mean sponsorship signs affixed to permanent fencing or structures such as scoreboards. "Facility" shall mean the entire premises of an elementary or secondary school or a recreational or sports facility.
- (36) **Subdivision sign.** A sign identifying a land subdivision or planned development area. No advertising material, other than the name of the development, will be indicated on the sign. This does not include mobile home parks, campgrounds or recreation vehicle parks.
- (37) **Temporary planned development sign.** A sign that pertains to the development of a new or under construction subdivision, planned multifamily development, planned shopping center, industrial, office or business park, or similar parcel of land. Temporary planned development signs shall be deemed a type of “temporary sign”.
- (38) **Temporary sign.** A sign, not permanently installed in the ground or affixed to any structure or building, which is erected for a period of time as

permitted in this ordinance.

- (39) **Vehicular sign.** Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise products or direct people to a business or activity. This will not include signs on vehicles while in use in a normal course of business. Use in a normal course of business will mean driving a current licensed vehicle on any street, or parking the vehicle at the place of business or overnight at the residence of the owner or an employee of the business.
- (40) **Wall sign.** Any sign attached to or painted on the exterior wall or surface of a building or other structure which projects not more than twenty-four (24) inches from the wall or surface.
- (41) **Window sign.** Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.
- (42) **Yard sale sign.** A sign which advertises a sale of used household items from a residence. This is not considered an outdoor advertising display. Yard sale signs shall be deemed a type of "temporary sign".
- (42) **Yard sale off premise sign.** A sign which attracts attention to or directs persons to a yard sale, located on other than the premises where the activity is held. Yard sale off-premise signs shall be deemed a type of "temporary sign".

(C) PROCEDURES FOR ZONING COMPLIANCE.

- (1) **Zoning compliance required.** Except as otherwise provided in this ordinance, it will be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a zoning compliance for the signs from the Zoning Administrator as required by these regulations. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign will not require a zoning compliance, provided the copy change does not change the size or nature of the sign to render the sign in violation of these regulations.
- (2) **Application and issuance of zoning compliance.** Applications for a zoning compliance will contain the following information:
 - (a) The address of the building/structure of which the sign is to be erected, and the property tax map reference number for the lot onto which the sign is to be located;

- (b) Names(s), address(es), and telephone number(s) of the applicant/owner of the property where the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;
- (c) A site plan and survey of the property showing accurate placement of the proposed sign;
- (d) Two (2) scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. The plans will include, but will not be limited to, details of dimensions, materials, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and size of the existing wall signs will also be included; and,
- (e) Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

(3) All applications for a sign permit deemed complete by the Zoning Administrator shall be submitted to the Architectural Review Committee (if created) for review. Following the guidelines in subsection (4), the Committee (if created) shall issue its report to the Zoning Administrator within 10 days. The report and its recommendations are advisory only and not binding on the Zoning Administrator. Failure to issue a report within 10 days shall be deemed approval by the Committee (if created).

(4) All signs requiring a permit shall be reviewed by the Zoning Administrator regarding the proposed general design, arrangement, texture, materials, colors, lighting, placement and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area. After reviewing the application and the Committee's report (if submitted) the Zoning Administrator shall promptly act on the application. If the permit is denied the Zoning Administrator shall recommend to the applicant such modifications or adjustments determined to be necessary to enforce the intent of this ordinance.

(5) Any person having an interest in a sign may appeal the determination of the Zoning Administrator by filing a written notice of appeal to the Board of Zoning Appeals within 30 days after the filing of the decision.

(D) GENERAL PROVISIONS FOR ALL SIGNS.

- (1) **Location.** Permanent ground-type signs may be located in required buffer yards and yard setbacks; provided the minimum setbacks will be not less than

ten (10) feet from the street right-of-ways, and not less than ten (10) feet from any side property line(s). Measurement to be taken horizontally from the portion of the sign (base or face) which is nearest to road right-of-way or property line.

- (2) **Height of sign.** The height of the sign is to be measured from the highest point of the sign to the base of the sign at the ground (**See Appendix I**). Altering the topography of the land, through the placement of a berm, mound, hill, etc. for the purpose of elevating a sign, is not allowed.
- (3) **Condition and Maintenance.** All signs will be maintained in sound structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs will be evidence of the lack of maintenance. Signs which have deteriorated to such a condition will be deemed to be in violation of this ordinance and, must be either repaired, removed or replaced. The Zoning Administrator shall inspect signs and shall have the authority to order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. For all permanent signs and similar advertising structures, including existing conforming or nonconforming signs, the following regulations shall apply:
 - (a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained;
 - (b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property;
 - (c) The area around all signs shall be properly maintained, clear of brush and other obstacles so as to make signs readily visible;
 - (d) All burned out bulbs or damaged panels shall be promptly replaced;
 - (e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced;
 - (f) Any sign or similar advertising structure failing to meet the requirements of this Section shall be repaired or removed within thirty (30) days after receipt of notification from the Administrator of this Ordinance.
- (4) **Repairing.** The repairing, changing of parts, and preventive maintenance of signs will not be deemed alterations requiring a zoning compliance.
- (5) **Lighting.** Signs, when illuminated by direct lighting, will have the lighting shielded so as not to directly shine onto abutting properties or in the line of vision of the public using the streets or sidewalks.
- (6) **Area Measurement (See Appendix II, III, IV).**

- (a) For purposes of determining the area of a sign on a building, whether made in one (1) or more pieces or when lettering or figures are painted thereon, or attached thereto; the total square footage of all sign areas will be used.
 - (b) For purposes of determining the area of a ground-type sign, whether made in one (1) or more pieces or parts; the total square footage of all sign areas, exclusive of supports, will be used. In all instances, the largest plain view measurement on one (1) side only will prevail.
 - (c) For purposes of determining the area of a wall to which a Sign will be affixed; the shortest perimeter encompassing the exterior wall will be used. The area where the building is intersected by tenant separation partitions will be construed as the entire wall. A parapet will be included as the building wall.
- (7) **Anchoring.** All ground-type signs will have self-supporting structures permanently anchored in concrete foundations, except portable signs will be secured to prevent motion, but are not required to have concrete foundations extending beyond the frost line.

(E) PROHIBITED SIGNS.

The following signs are expressly prohibited:

- (1) Flashing signs, except a sign indicating time and/or temperature.
- (2) Outdoor advertising displays. "Billboards" shall be deemed a type of Outdoor advertising display.
- (3) Portable signs, except off premise signs carried by persons.
- (4) Projecting signs, except as allowed within this ordinance.
- (5) Roof signs.
- (6) Signs or advertising devices attached to or painted on a fence, power or telephone pole, tree, stone or any other natural object.
- (7) Signs which emit sounds, odors or visible matter.
- (8) Signs which obstruct the view of or may be confused with governmental traffic control or directional safety signs, including signs using the word "stop", "danger", or other phrases, symbols, or characters in a manner that may mislead, confuse, or distract a driver.

- (9) Strings of lights or any illuminated tubing outlining property lines or open sales areas, roof lines, doors, edges of signs, windows, or wall edges of any building or structure, except holiday lights, provided these lights are not connected or illuminated prior to November 1st, and disconnected no later than February 1st.
- (10) Vehicular signs.
- (11) Signs placed on public property without prior approval except as otherwise provided in this ordinance.
- (12) Signs containing untruthful or misleading information.
- (13) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (14) Any other sign not listed as a permitted use.

(F) PERMANENT SIGNS

A. Permanent Signs Not Requiring A Zoning Compliance:

The following types of signs are exempt from the provisions of a zoning compliance provided; (a) the conditions attached thereto are met; (b) the sign is not located within a state supported highway right-of-way (ROW) – except as exempted by S.C. State Code at Title 57, Chapter 25; (c) the sign is installed in accordance with the structural and safety requirements of the building code; and (d) a building permit is obtained if applicable.

(1) Bulletin board on-premise signs not to exceed thirty-two (32) square feet.

(2) Café style umbrellas containing advertising logos, trademarks, or copy, provided: (a) the diameter cannot exceed ten feet; (b) the total area of the advertising logo, trademark, or copy shall not be greater than 20 percent of the total exterior surface of the umbrella; (c) the placement of umbrellas shall not be allowed without seating for use in connection thereof; (d) the placement of umbrellas shall only be permitted in connection with an outdoor table service area; (e) umbrellas may not be unfurled when winds make it unsafe to do so, or for the duration of a declared severe storm watch or warning, or a declared emergency.

(3) Commercial signs (On premise). Signs allowed by any provision of these regulations can have a noncommercial message displayed or published on the signs.

(4) Directional signs on premises not to exceed four (4) square feet in

Formatted: Indent: Left: 0.8", No bullets or numbering

area.

~~(3)~~(5) Flags; provided:

- (a) A maximum of five (5) flags per lot.
- (b) The maximum height of the flag pole should not exceed twenty-five (25) feet.
- (c) Flag poles cannot be used as supports for freestanding signs.
- (d) Proper display of the United States Flag, South Carolina State Flag, York County Flag or Tega Cay City Flag is not controlled by this ordinance.

~~(4)~~(6) Home occupation and family day care signs. One (1) name plate or business identification sign, provided it does not exceed three (3) square feet in area, is non-illuminated, and is affixed to the inside of the home. The sign may be displayed in a window of the home.

~~(5)~~(7) Incidental on-premise signs.

~~(6)~~(8) Landscaped signs.

~~(7)~~(9) Mailboxes and similarly located on-premise signs identifying a private residence.

~~(8)~~(10) Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants or premises, no trespassing signs or water related warning signs.

~~(9)~~(11) Memorial signs.

~~(10)~~(12) Monument signs denoting a historical event or achievement.

~~(11)~~(13) Noncommercial directional or information signs of a public or quasi-public nature, which may be used for the purpose of stating or calling attention to:

- (a) The name or location of a town, village, hospital, community center, private school, college, YMCA, YWCA, church or other place of worship; or the name or place of a meeting of an official or civic body such as a chamber of commerce, board of trade, or service club, not to exceed thirty-two (32) square feet in area.
- (b) Soil conservation, 4-H and similar projects.

~~(12)~~(14) _____ On-premise signs within a business or manufacturing district which are not visible from a public road or abutting property line.

~~(13)~~(15) _____ Public interest signs, provided signs are non-illuminated and do not exceed four (4) square feet in area.

~~(14)~~(16) _____ Signs of duly constituted governing bodies, including traffic regulatory devices and legal notices.

~~(15)~~(17) _____ Signs on the interior side of a window glass.

~~(16)~~(18) _____ Signs on vehicles while in use in a normal course of business. Use in a normal course of business will mean driving the vehicle on any street, parking the vehicle at the place of business or overnight at the residence of the owner or an employee of the business. Such vehicles will have a current license plate.

~~(17)~~(19) _____ Signs on-premise not to exceed sixteen (16) square feet in area advertising for sale locally grown agricultural produce and home-processed foods.

~~(18)~~(20) _____ Signs or plates on structures or premises, not to exceed two (2) square feet, giving the name or address of the occupant.

~~(19)~~(21) _____ Signs placed upon the exterior of the structure indicating the location of restrooms, entrances or exits.

~~(20)~~(22) _____ Signs displayed on gasoline pumps indicating the price per gallon in characters not exceeding six (6) inches in height.

~~(21)~~(23) _____ Subdivision or planned development on-premise signs, provided it is a ground sign and does not include recreational vehicle parks or mobile home parks.

~~(22)~~(24) _____ Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

B. Permanent Signs For Which a Zoning Compliance is Required

- (1) **Table 1** summarizes the types of signs permitted in the zoning districts, provided; (a) the conditions attached thereto are met; (b) a zoning compliance is issued; (c) the sign within or adjacent to a state supported highway (examples: Tega Cay Drive, Gardendale Road, New Gray Rock Road, Dam Road and federal-aid primary Highway 160) ROW is allowed per S.C. State Code at Title 57, Chapter 25; and (d) the sign is installed in accordance with the structural and safety requirements of the building code and a building permit is obtained, if applicable:

Standards for Permanent Signs Requiring Zoning Compliance
Table 1

LOCATION	TYPE	MAXIMUM SIZE	NUMBER
City Entrance	Ground Sign (for the aggregate business complexes occupying the development)	10 feet High 260 square feet	one*
B1, B2, PUD, PDD	Ground Sign (for each Development)	8 feet High 150 square feet	One per Development per frontage on public street*
	Ground Sign (for each Single Tenant/Occupant/Single Parcel)	8 feet High 75 square feet	One per public street frontage of parcel/tract*
	Wall, Awning, or Canopy Sign (for each business)	15% of any one wall surface, not to exceed 200 square feet	One per each Business
PUD, PDD	Ground Sign (for each Development)	8 feet High 150 square feet	One per Development per frontage on public street*
Single Family Residential R-3, 6, 8, 10, 13, 15, 40	Freestanding or Window (Identification)	3 square feet	One per use

*Double Sided

(2) Signs using Changeable Electronic Variable Messaging (CEVM).

- (a) If an existing sign is to be revised to a Changeable Electronic Variable Message Sign (CEVMS) or a new sign using such technology is to be erected, an application shall be submitted noting such change and/or new construction and requesting approval of a sign permit for zoning compliance.
- (b) Audio speakers or any form of pyrotechnics are prohibited in association with a CEVMS.

- (c) The leading edge of the CEVMS must be a minimum of one hundred (100) feet from an abutting residential district boundary.
- (d) The reader board section of such signs are subject to the following conditions:
 - (1) Shall not contain or display flashing, intermittent or moving lights;
 - (2) The electronic/digital area shall not exceed 40% of the allowed/permitted sign face;
 - (3) Each message displayed shall remain fixed for a minimum of eight (8) seconds;
 - (4) Illumination for such signs should not exceed 7,500 nits (a unit of visible light intensity equal to 1.44 binary digits of data) during daylight and 500 nits during evening hours ;
 - (5) The sign shall have an automatic dimmer control incorporating a photo cell mechanism to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise;
 - (6) The sign shall have a default mechanism that will either stop the sign in one position, or turn the sign off should a malfunction occur.
- (3) **Permanent Signs within the right-of-way (ROW).** The following permanent signs shall be allowed in the right-of-way provided: (a) a zoning compliance is issued; (b) the sign within a state supported highway (examples: Tega Cay Drive, Gardendale Road, New Gray Rock Road, Dam Road and federal-aid primary Highway 160) is allowed per S.C. State Code at Title 57, Chapter 25, (c) the sign is installed in accordance with the structural and safety requirements of the building code and (d) a building permit is obtained, if applicable:
 - (a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - (b) Church signs, in accord with state law;
 - (c) Informational signs of a public agency or utility regarding its facilities;
 - (d) Emergency signs; and

(e) Directional signs

(4) **Sponsorship Signs.** City approved Sponsorship Signs are allowed to be placed at each athletic field located within a facility provided that (a) a zoning compliance is issued, (b) the sign is installed in accordance with the structural and safety requirements of the building code, and (c) a building permit is obtained, if applicable. Additionally, for each athletic field, Sponsorship Signs:

- (a) Are intended to remain in place during the entire duration of the event or program that the sponsor has contributed to.
- (b) Shall be located behind the minimum setback, yard and buffer requirements for the district.
- (c) Shall be placed in such a fashion so that the sponsorship sign face area is inwardly oriented relative to the perimeter of the athletic field within a facility, and located so as to (i) not be clearly visible from those persons not on the facility property and (ii) not be clearly visible from adjacent residential streets.
- (d) Shall not be lighted other than by a light source for the athletic field when the athletic field is in use.
- (e) Shall not exceed thirty-two (32) square feet in area per sign.
- (f) Shall not exceed five (5) feet in height.
- (g) Shall not exceed six hundred (600) square feet in area at any particular athletic field within a facility.
- (h) Shall be a dark earthen color on the side opposite the sign face.

(G) Temporary Signs

(1) Reference definitions section 19-16 for **Street** and **Right of Way (ROW)**

(2) **The following conditions shall apply to all temporary signs:**

(a) Unless otherwise specified, no such sign, with or without a permit, shall be displayed for a period exceeding 30 days nor again be displayed on the same establishment or not more than three times during a calendar year.

(b) Approved City sign standard template information for Directional off premise Yard Sale and Real Estate Signs will be provided by City.

(c) Sign(s) shall be placed such that it does not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition.

Formatted: Indent: Left: 0.5", Space After: 0 pt, No bullets or numbering

(3) Temporary Signs Not Requiring a Zoning Compliance.

The following types of signs are permitted, provided the conditions attached thereto are met:

(a) Yard/Estate Sale Signs

1. On premise: One yard/estate sale sign not greater than three (3) square feet in area and not greater than a maximum of three (3) feet in height. The sign shall be located behind the street property line. On premise Yard/Estate Sale signs will not be installed more than three (3) days prior to the yard/estate sale event and must be removed within two (2) hours following the event.

2. Off premise:

a. Signs shall not be placed:

- i. Within right of way of state maintained roads (Example: Tega Cay Drive, Hwy 160, Gardendale Road, New Gray Rock Road, Dam Road). Reference State Code Title 57; Chapter 25.
- ii. Within right of way of City maintained divided lane arterial roads (Example: Stonecrest Boulevard).
- iii. On private property without owner's permission.

b. Yard/Estate Sale directional signs – meeting city design template and erected not greater than a maximum of three (3) feet in height - may be placed:

- i. On City owned property beyond the street property line (outside the ROW) of all streets except federal-aid primary Highway 160.
- ii. Within the side right of way but not in the median of secondary streets feeding divided lane arterial roads (Example: Windjammer Drive, Shoreline Parkway, Orchid Way, etc.).

c. Off premise Yard/Estate Sale directional signs may be erected and used only between the hours of 6:00 pm on Friday through two (2) hours past end of sale, but not later than 7:00 am Monday.

d. The use of off premises Yard Sale/Estate directional signs is not permitted on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Friday and Christmas Day.

e. Sign(s) shall be placed such that it does not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition.

(b) Real Estate Signs

1. On premise: One sign advertising real estate "for sale", "for rent", or "for lease"; not greater than five (5) square feet in area and not greater than a maximum of three (3) feet in height. The sign shall be located behind the street property line on the property so advertised. Golf course and waterfront lots will be permitted two signs, with one sign displayed on the street and one sign displayed facing the golf course and/or waterfront. The sign may be displayed until completion of purpose for which such signs were established.
2. Off premise:
 - a. Signs shall not be placed:
 - i. Within right of way of state maintained roads (Example: Tega Cay Drive, Hwy 160, Gardendale Road, New Gray Rock Road, Dam Road). Reference State Code Title 57; Chapter 25.
 - ii. Within right of way of City maintained divided lane arterial roads (Example: Stonecrest Boulevard).
 - iii. On private property without owner's permission.
 - b. Real estate directional signs – meeting city design template and erected not greater than a maximum of three (3) feet in height - may be placed:
 - i. On City owned property beyond the street property line (outside the ROW) of all streets except federal-aid Highway 160.
 - ii. Within the side right of way but not in the median of secondary streets feeding arterial roads (Example: Windjammer Drive, Shoreline Parkway, Orchid Way, etc.).

- c. Off premise real estate signs may be erected and used only between the hours of 6:00 pm on Friday through 7:00 am Monday.
- d. The use of off premises real estate signs is not permitted on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Friday and Christmas Day.
- e. Sign(s) may be erected and used per above until completion of purpose for which such signs were established.
- f. Sign(s) shall be placed such that it does not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition.

(c) **Special Event Signs**

- 1. On premise: One city approved sign not greater than thirty-two (32) square feet in area. The sign shall be located behind the street property line. The sign/banner shall be erected no sooner than fourteen (14) days before and removed two (2) days after the event.
- 2. Off premise:
 - a. A main city approved Special Event Sign/Banner may be placed at each entrance to City of Tega Cay along Tega Cay Drive and along Stonecrest Boulevard. However, sign shall not be placed within right of way. Reference State Code Title 57; Chapter 25. For each entrance, there shall be only one main sign.
 - b. The total combined area of each main Special Event Sign/Banner shall not exceed thirty-two (32) square feet.
 - c. For each special event, two (2) additional smaller - six (6) square feet in area, city approved, professionally designed Special Event Signs may be placed:
 - i. On City owned property and private property (with permission provided) beyond the street property line (outside the ROW) of all streets except federal-aid Highway 160.
 - ii. Within the side right of way but not in the median of secondary streets feeding arterial roads (Example:

Windjammer Drive, Shoreline Parkway, Orchid Way, etc.).

- d. Signs/Banners shall not contain any advertising, however, up to ten (10) percent of the sign area may include the name of the major event sponsors or supporters, a description of the products, services or activities provided or engaged in by the sponsors or supporters, and recognized trademarks, logotypes or symbols customarily associated with the sponsors or supporters.
- e. Signs/Banners shall be erected no sooner than fourteen (14) days before the major event and removed within two (2) days after the event.
- f. Sign(s)/Banner(s) shall be placed such that it does not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition.

3. Street Pole Banner:

- a. Such signs shall be no more than two square feet in area.
- b. Signs shall not contain any advertising.
- c. Such signs may only be placed on City-owned or leased street poles with express permission of the City Manager.

(d) **Sandwich Boards ("A" Frame Temporary Signs)**

- 1. One on premise Sandwich Board sign is allowed per business.
- 2. Sandwich Boards are not permitted for Customary Home Occupation businesses.
- 3. Sandwich Boards are not permitted along federal-aid Highway 160. Reference State Code Title 57; Chapter 25.
- 4. The sign shall be located behind the street property line, shall not be placed on any public sidewalk, and shall not be placed between a sidewalk and the adjacent roadway.
- 5. The sign can be placed during normal business hours and must be removed at all other times.

6. Each sign face shall not exceed eight (8) square feet.
7. Sandwich board signs or (A-frame signs) shall be maintained in good repair.

(e) **Signs advertising an event such as, community club meetings, school booster club affairs, church events, or volunteer organization benefits.**

1. On private property:
 - a. Sign(s) shall be located behind the street property line.
 - b. Sign(s) shall not remain up for longer than 24 hours after election.
 - c. Sign(s) cannot exceed three (3) square feet in area and shall not be erected greater than a maximum of three (3) feet in height.
2. Off premise:
 - a. Sign(s) shall not be placed within right of way of state maintained roads without an encroachment permit from SC Department of Transportation (Example: Tega Cay Drive, Hwy 160, Gardendale Road, New Gray Rock Road, Dam Road). Reference State Code Title 57; Chapter 25.
 - b. Sign(s) may not be placed within right of way of City maintained divided lane arterial roads (Example: Stonecrest Boulevard).
 - c. On private property without owner's permission.
 - d. Sign(s) cannot exceed three (3) square feet in area and shall not be erected greater than a maximum of three (3) feet in height.

~~e. Sign(s) shall be placed such that it does not impair the view of motorists in regard to traffic safety or otherwise create a hazardous or unsafe condition.~~

(4) Temporary Signs for which a Zoning Compliance is Required.

The following types of signs are permitted, provided (a) a zoning compliance is issued; b) the sign within a state supported highway (examples: Tega Cay Drive, Hwy 160, Gardendale Road, New Gray Rock Road, Dam Road) ROW is allowed per S.C. State Code at Title 57, Chapter 25; and (c) the conditions attached thereto are met:

(a) Banners denoting sales events, if the banners are not erected more than seven (7) days before sale commences and are removed within seven (7) days after the sale has ended.

(b) Banners denoting Grand Opening Events, provided:

1. One (1) temporary banner, either wall or ground mounted, may be utilized with a maximum size of thirty-two (32) square feet and a maximum height of six (6) feet if ground mounted.
2. A new business may utilize the temporary banner for a period not to exceed forty-five (45) total days. The banner may be installed thirty (30) days prior to the Grand Opening Event and must be removed within fifteen (15) days after the event.

(c) Banners used as temporary signs in lieu of permanent signage, provided:

1. The permanent signs have been properly permitted and the banner is used to temporarily cover existing signage in the event of a business name or logo change.
2. The banner meets the sign area requirements of the permanent sign.
3. The banner is securely fastened to the wall or permanent sign structure to draw the banner material taut and prevent flapping.
4. The banner must be replaced within sixty (60) days by installation of the permanent signage.

(d) Construction Signs

1. Signs located on single-family lots or duplex lots shall not exceed six (6) square feet in area. Rider signs not exceeding two (2) square feet in area shall be permitted in addition to the six (6) square feet;
2. Signs for all other uses shall not exceed one square foot for every five (5) linear feet of frontage of property under construction, up to a maximum of sixty-four (64) square feet in sign area;
3. Signs are confined to the site of construction;

Formatted: Indent: Left: 1.5", No bullets or numbering

4. Only one sign per street front of the property under construction shall be erected;
 5. Signs shall not be illuminated;
 6. Signs shall be removed within seven (7) days after the completion of the project;
 7. The sign may be displayed until completion of purpose for which such signs were established.
- (e) **Pennants, flags, banners, balloons and fluttering devices** and similar exhibits to announce grand openings, mark special occasions and special promotions, provided:
1. The exhibit(s) cannot be installed more than 7 days before the event in question and must be removed within seven (7) days after the event.
 2. The specific exhibit(s) will not be re-permitted within twelve (12) months of the time it or a similar display is removed from the premises.
 3. Special promotion exhibits will, in addition to meeting the above, be limited to three (3) at any given time.
- (f) **Searchlights**, provided:
1. The searchlight(s) is not installed prior to the event in question and must be removed within three (3) days of the occasion.
- (g) **Signs, advertising an event, pulled behind an aircraft.**
- ~~(h) **Banners denoting sales events**, if the banners are not erected before sale commences and are removed within seven (7) days after the sale has ended.~~
- (+)(h) **Temporary planned development signs**, provided:
1. The signs are limited to a maximum of six (6) square feet;
 2. The signs do not exceed a maximum of three (3) feet in height;

- a. The signs may be erected and used only between the hours of 6:00 p.m. on Friday through 7:00 a.m. on Monday.
- b. When a holiday occurs on a Friday or Monday, the use of Temporary Planned Development signs is not permitted. The term "holiday", for purposes of this subsection, will be the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Friday and Christmas Day.
- c. The signs will be a minimum distance of one thousand (1,000) feet apart along the roadway and will not be located further than two (2) miles from the main entrance to the development.
- d. The signs will be a minimum of ten (10) feet off of the asphalt surface or edge of the roadbed in case of a gravel road and will not create a sight hazard for motorists.
- e. The signs will be a minimum distance of seventy-five (75) feet from any intersection with another road, measured from the edge of the asphalt or traveled portion of the road.
- f. The Sign Company or developer utilizing the sign(s) will place the name, address and phone number of the Sign Company and/or developer in small letters at the bottom of the sign.
- g. The developer or sign company will post a fee per sign for each development being advertised within the City of Tega Cay. The amount of the fee charged shall be as set forth in the City's miscellaneous fees and charges schedule.

(H) Remedies and Penalties for Violations

A. Removal of signs

1. The Zoning Administrator shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically or structurally defective sign, or a sign for which no permit has been issued. The Zoning Administrator may impound the sign and send notice stating that the sign has been impounded, the reason for the impoundment, and the process for claiming the sign. Signs impounded from the public right-of-way shall not require notice. Temporary signs that are in violation of this Ordinance may be impounded without notice.

2. An impounded sign shall be held for ten (10) calendar days, during which time the sign owner may recover the sign. If the sign is not claimed within the ten-(10) day period, the Zoning Administrator may dispose of the sign without compensation to the sign owner.

B. Notice of Violation

1. Following the identification of a violation of this ordinance the Zoning Administrator may prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed by the City with the cost born by the owner of the property. All violation notices shall be mailed by certified mail to the owner of the property on which the sign is located as shown on the last tax records. The time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail.
2. In the event that a sign owner is deemed to be a repeat and habitual offender, the Zoning Administrator may immediately, upon Notice of Violation, issue a citation and cause such owner to lose the right for permitted use of such signage for a period of twelve (12) months.

C. Abandoned Signs

1. Any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which advertises an event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

D. Non-Conforming Signs

1. In cases where signs existing as a non-conforming use on property meet or exceed the total allowable sign area, no additional signs shall be permitted for an establishment. If the size or configuration of a parcel or building is changed, signs on the resulting properties shall be required to conform to the sign regulations applicable to the newly created parcel or parcels at the time such changes become effective.

SECTION 19-167 - ACCESSORY USES

(A) The Table of Permissible Uses (Section 19-163) classifies different principal uses according to their different impacts. Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special use permit.

(B) For purposes of interpreting subsection (A):

- (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
- (2) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(C) Without limiting the generality of subsections (A) and (B), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

- (1) Hobbies or recreational activities of a non-commercial nature.
- (2) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

(D) Without limiting the generality of subsections (A) and (B), the following activities shall not be regarded as necessary to a residential principal use and are prohibited in residential districts:

- (1) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
- (2) Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building or structure and the street on any lot used for purposes that fall within the following principal use classifications, Section 19-163, A. Automotive.

(E) Without limiting the generality of subsections (A) and (B), the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to commercial principal uses:

(1) Outdoor display of merchandise provided:

(a) Display must be located directly in front of the connected commercial business;

(b) The display may be located on the sidewalk and can extend from the face of the commercial building toward the curb, however, a minimum of four feet (4') must be maintained at all times for clear pedestrian passage;

(c) The display may not infringe upon an abutting storefront;

(d) No display may be permitted when winds make it unsafe to do so, or for the duration of a declared severe storm watch or warning, or a declared emergency.

(2) Temporary outdoor tents connected with a special event such as customer appreciation or business anniversary days, provided:

(a) The use of such tents is limited to twice within a twelve (12) month period by one (1) commercial entity.

(b) The tents may be erected twenty-four (24) hours before the event and must be removed within twenty-four (24) hours after the event.

(c) Tents may be located only in the common parking areas immediately adjacent to the sponsoring commercial entity.

- d) It shall be unlawful for any person to use any city water upon any premises while service to such premises remains discontinued by the city for nonpayment of an overdue account for service previously furnished to such premises.
- e) If any person obtains water service in violation of any portion of this section, in addition to other fines or costs, such person shall be required to pay an investigative fee for each such occurrence of no more than \$500. This charge shall not be in lieu of any other fee, charge or cost; and such person shall also be required to pay the estimated cost of the water unlawfully obtained and received.
- f) It shall be unlawful for any person applying to the city for any utility or other service to furnish to the city any false or incorrect information, and each person shall immediately notify the city of any change of name or other information given on an application or service agreement form previously supplied to the city.

Section 2. Service Connections

- a) *Service agreement.* The city shall furnish agreements approved by the city manager or his designee for any service rendered by the city to its consumers. Forms and agreements are available for use on-line at the city's official website and in the city offices. Forms and agreements may from time to time be amended to meet the requirements of law, city regulations, city policies and city procedures.
- b) *Connection charge.* In addition to the required administrative fee there shall be an activation fee for connection of water as set out in the fee schedule that is annually adopted by City Council and made part of the budget. The administrative fee and the activation fee may be paid at the time service is initially set up, or it may be added to the consumer's first utility statement. If a customer refuses to provide a SSN, they must pay an additional \$500 deposit that will be held by the City until the Customer successfully terminates their account with the City. The additional deposit will first be applied to any balances owed to the City and the difference, if any will be refund to the customer at that time.
- c) *Contract between city and consumer.* The service agreement, when signed by the consumer and by an authorized representative of the city, shall become a contract under which the city agrees to furnish utility services to the consumer, and the consumer agrees to receive and pay for the service in accordance with the rate schedule and the service regulations of the city on file in the office of the city, and as the same may be modified from time to time, which rate schedules and service regulations are hereby made a part of the contract as effectually as if fully set forth therein. The service agreement may be terminated in accordance with the terms thereof and subsection (f) of this section.
- d) *Payment responsibility.* The consumer agrees to be responsible for receipt and payment of bills for these services. Failure to receive a monthly bill does not relieve the consumer of payment responsibility. If a bill is not received, the consumer shall notify the city before the past due date. It is further agreed that should the consumer transfer to another address within the city, other than the one on the original service agreement, the consumer must terminate service at that address and set up service at the new address along with an activation fee.
- e) *Termination of service.* The agreement shall continue indefinitely; unless otherwise provided, the same shall continue from month to month thereafter. The same may be terminated by either party (after expiration of any fixed period if initially specified), upon

one working day notice to the other. It is further agreed that the city reserves the right to discontinue services if the consumer breaches the service agreement. If the service is disconnected for cause, the consumer agrees to pay all outstanding bills and an applicable reconnection fee for service to be restored. The consumer understands that the information furnished on the application will be verified and, if determined inaccurate, will result in the termination of service without prior notice. The applicant understands that the city must take action and expend funds to comply with the request for service. By signing the agreement, the consumer signifies that he or she has the authority to request utility service at the location identified on the application, and attests that the information given on the contract is true and accurate.

- f) *Responsibility of city as it relates to water service.* The city's responsibility shall end at the meter. Everything from the meter to the building receiving service, including the connection to the meter shall be the responsibility of the property owner.
- g) *Responsibility of city as it relates to sewer service.* The city's responsibility for sewer service will be up to the clean-out that is closest to the sewer main in cases where two sewer clean-outs exist. In the event a sewer clean-out does not exist, the city's responsibility shall end at the property or the point of connection, depending on where the sewer main is located. All interior and exterior lines on the property beyond the cleanout, as you move away from the main collection line, shall be the responsibility of the property owner.

Article II- Rates, Charges and Billing

Section 1. Payment of bills; delinquency

- a) Consumers of water, sewer service and all other services provided by the city shall pay without discount all bills rendered for such services not later than the due date listed on the billing notice. After this due date, a 1.5% penalty will be applied to the unpaid balance and shall be in addition to any other cost, expense or fee.
- b) For accounts that are past-due, a notice of disconnection is conspicuously displayed on the subsequent billing notice for that account. This notice details the date that payment must be received and the amount which must be paid to avoid disconnection of service.
- c) Service shall not be provided at a new location to any consumer delinquent at a prior location. All members of any family occupying the same household may be deemed consumers for the purpose of this section, regardless of the name in which service is registered. If the service deposit, or any part thereof, has been utilized for payment on an account, a new service deposit shall be made by the consumer in accordance with the provisions set forth in this chapter.
- d) For purposes of this section, the term "family" shall be defined as one or more people, plus their household employees, who live together in a dwelling unit as a single housekeeping unit. This definition shall include unrelated individuals defined as handicapped by title VIII of the Civil Rights Act of 1968, amended by the Fair Housing Amendments Act of 1988. It also expressly includes the residents of those homes housing nine or fewer mentally or physically handicapped individuals on a 24-hour basis as provided by S.C. Code 1976, § 6-7-830.

Section 2. Responsibility for unlawful use of service

The person whose name a service agreement is registered with the city shall be responsible for the use of any and all water/sewer provided whatsoever upon the premises served under such agreement, and the passage of any water through the meter measuring the amount of service furnished to any such premises, during any such period of discontinuance of service, shall constitute prima facie evidence of a violation by the person whose name such service is registered with the City.

Section 3. Customers' checks, authorized bank draft, or authorized credit or debit transaction returned by banks.

- a) When a customer's check or authorized bank draft is returned by the bank marked "insufficient funds" or for any other reason specified in S.C. Code Ann. § 34-11-10 *et seq.* the amount of the check, together with a service charge consistent with any fees applicable under such applicable South Carolina law will be added to the customer's utility account, which will be considered delinquent until payment is received in full of all amounts due. Notification to the customer shall be consistent with such applicable South Carolina law. In such event, service will be discontinued and the applicable reconnection fee, as approved by City Council annually with the passage of the annual budget, along with the amount of the returned check and the service charge will then apply to the customer's account and must be paid before service will be restored.
- b) All returned checks will be redeemed in cash or by cashier's check, certified check or money order only. A customer whose checks are returned three or more times in a 12-month period will be required to make future payments in cash or by cashier's check, certified check or money order.

Section 4. Adjustment of bills.

If it is found that the city has charged, collected, or received from any customer a greater or lesser compensation for any services rendered; or it is found that any customer has received or accepted any service from the city for compensation greater or lesser than that prescribed in the applicable rate schedule for such service; or if, for any reason, a billing error has resulted in a greater or lesser charge than that incurred by the customer for the actual service rendered, then the method of adjustment for such overcharges or undercharges shall be as provided by the following:

- a) *Fast or slow meters.* If the overcharge or undercharge is the result of a fast or slow meter, the method of compensation shall be as follows;
 - i. In the case of a disputed account involving the accuracy of a meter, such meter can be tested at the customer's request. If the test reveals the registration was in error by more than five percent, the City will incur the cost of the meter test and replacement. The customer's bill will be adjusted using their annual average usage, or by using the average of 280 gallons per day (SCDHEC average for residential usage) if the customer does not have a twelve month history with the City.
 - ii. Errors in registration of five percent or less will not be adjusted and the cost of having the meter tested will be applied to the customer's account in addition to the total amount owed for the billing cycle.
- b) *Customer inadvertently overcharged.* If the city has inadvertently overcharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped

meter reading, or any other human or machine error, except as provided in subsection (1) of this section, the city shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed as follows:

- i. If the interval during which the customer was overcharged can be determined, then the city shall credit or refund the excess amount charged during that entire interval, but in no event longer than 12 months.
 - ii. If the interval during which the customer was overcharged cannot be determined, then the city shall credit or refund the excess amount charged during the 12-month period preceding the date the billing error was discovered.
 - iii. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the refund shall be based on an appropriate estimated usage and/or demand, but in no event longer than 12 months.
 - iv. *One time leak adjustment.* The city will provide a one-time leak adjustment for one month of service. The City will look at the average usage at the same time of year as the month being adjusted. Documentation must be provide that the leak has been fixed (i.e. paid invoice) before an adjustment is given.
 - v. *Customer filling their pool.* The city will provide an adjustment on sewage to fill a pool with proper documentation of gallons used to fill the pool for TCUD I customers. TCUD II customers pay a flat sewer rate and will not be given an adjustment on sewage.
- c) *Customer inadvertently undercharged.* If the city has inadvertently undercharged a customer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human or machine error, except as provided in subsection (1) of this section, the city may recover the deficient amount as follows:
- i. If the interval during which the customer was undercharged can be determined, then the city may collect the deficient amount during that entire period the city shall recover the deficient amount is 12 months.
 - ii. If the interval during which the customer was undercharged cannot be determined, then the city may collect the deficient amount during the 12-month period preceding the date the billing error was discovered.
 - iii. The customer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly utility bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.
 - iv. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand, but in no event longer than 12 months.
- d) *Customer undercharged due to willfully misleading the city.* If the city has undercharged a customer as a result of a fraudulent or willfully misleading action on the part of the customer, or any such action by any person, such as tampering with or bypassing the meter when it is evident that such tampering or bypassing the meter occurred during the residency of that customer, or if it is evident that the customer has knowledge of being

undercharged without notifying the city as such, then notwithstanding subsection (1) of this section, the city shall recover the deficient amount as follows:

- i. If the interval during which the customer was undercharged can be determined, then the city shall collect the deficient amount during that entire interval.
 - ii. If the interval during which the customer was undercharged cannot be determined, then the city may collect the deficient amount for as long a period as applicable law allows preceding the date the billing error was discovered.
 - iii. If the exact usage and/or demand incurred by the customer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.
- e) *Obstructed meter.* If the city is unable to read a meter due to it being obstructed by a vehicle, landscaping or anything else that would prevent the meter to be located and read with minimal effort, the customer will be charged a usage fee for that month equivalent to 230 gallons of water per day. The customer may also be required to pay a fine of no less than \$25 per occurrence with each day constituting a new occurrence in addition to the monthly usage charges.

Section 5. Tapping Fees

All taps for water service will be charged in accordance with the fee schedule that is adopted annually by City Council along with the passage of the budget. For taps fees listed as “cost + 10%”, a deposit of the regular tap fee for a 2” tap will be collected at the time of application with the remaining balance being due once the full cost is determined.

Section 6. Rate for service; resale of water service.

- a) For water service within the corporate limits, the city shall charge a public governmental entity, an entity regulated by the South Carolina Public Service Commission ("PSC"), and each customer a base monthly charge plus consumption charges as set out in the fee schedule as adopted on an annual basis by City Council during the passage of the budget. "Customer" means any individual and any public or private entity, other than a public governmental entity or an entity regulated by the PSC, who acquires, receives or purchases water from the city, whether or not the individual or entity obtains possession of or exercises control over the water.
- b) For water service beyond the corporate limits, the city shall charge a public governmental entity, an entity regulated by the South Carolina Public Service Commission ("PSC"), and each customer a base monthly charge plus consumption charges as set out in the fee schedule as adopted on an annual basis by City Council during the passage of the budget. "Customer" means any individual and any public or private entity, other than a public governmental entity or an entity regulated by the PSC, who acquires, receives or purchases water from the city, whether or not the individual or entity obtains possession of or exercises control over the water. These rates will generally be calculated at twice the “inside the City rate”. If a customer signs an annexation petition and based upon such timely and valid annexation petition, successful annexation is completed, shall be treated as an inside the city customer for rate purposes from the date such customer signs such petition. Accordingly, the customer shall receive a credit on their city utility bill for such period of time from the date the customer signs such timely and valid petition until the date of successful annexation.

- c) Resale of water service within the corporate limits by a customer or its agent is prohibited, except as provided in subsection (2) below.
- i. As used in this section, "resale of water service" means a customer's subsequent sale, transfer, distribution, or other provision of water, after acquisition, receipt or purchase of water from the city, whether or not the customer obtains possession of or exercises control over the water, to a third party individual or entity.
 - ii. The prohibition against resale of water service shall not apply to a customer who is billed through a master water meter and wishes to bill individual tenants or occupants of a residential or commercial multi-tenant building (each, a "user"; collectively, "users") for each user's share ("user's share") of water usage charges imposed by the city ("city charges"), subject to each of the following requirements:
 - 1) The customer or its agent, including, without limitation, any billing or collection service employed by a customer to determine and/or collect each user's share of city charges, must comply with all applicable statutes, ordinances, rules and regulations promulgated by the city, the PSC, the South Carolina Department of Health and Environmental Control, and any other local, state or federal authority having jurisdiction.
 - 2) The customer or its agent shall bill each user only for the user's share of city charges. The customer or its agent shall not charge any user a service, processing or other charge in addition to a user's share of city charges.
 - 3) Prior to billing a user for the user's share of city charges, the customer or its agent must first submit to the city for review and approval the method by which the customer or its agent will bill and collect the user's share of city charges from each user, which method, among other things, must fairly and equitably calculate the amount of water consumed by each user pursuant to a mathematical formula designed to determine, to the fullest extent possible, each user's actual water consumption. Nothing in this ordinance shall be construed to require a customer to install a sub-meter at each user's residential or commercial unit to record a user's actual water consumption, except as otherwise required by law.
 - iii. Any customer and/or its agent who violates the provisions of this section shall be subject to all fines, penalties, rights and remedies allowed by this Code and South Carolina law, including, without limitation, the provisions of the South Carolina Unfair Trade Practices Act, S.C. Code Ann. § 39-5-10 et seq., as amended.

Section 7. Use of water from City fire hydrants.

- a) *Generally.* Water may be used from city fire hydrants to supply a temporary construction, commercial or other need, or for any other proper purpose, upon prior application in writing to the city and approval in writing by the city of such request.
- b) *Application; charges.* Such application shall be in the form of a service agreement setting forth the terms of understanding between the customer and the city. Such completed form, when signed by the customer and authorized representative of the city, shall become a contract under which the city agrees to allow the customer to draw water from a city fire hydrant. The customer agrees to pay a refundable deposit of \$1,000 at the time they make application. The customer also agrees to pay a base charge in the amount set out in the fee schedule annual approved by City Council with a term of 30 days. The

customer also agrees to pay a consumption charge as set out in the fee schedule for all consumption on a monthly or annual basis as indicated on their application. In all cases the customer shall make arrangements with the Utility Billing Supervisor to have the hydrant meter read every 30 days. Failure to do so may result in the customer's permit being suspended or revoked and loss of their deposit.

- c) *Daily log of consumption; billing; failure to obtain permit.* At the conclusion of the customer's use of fire hydrant water the customer must return the meter for a final reading. The deposit will be held until the customer has fully satisfied their bill. If the customer fails to satisfy in portion of their bill, the City may apply some or all of their deposit towards that outstanding balance. If the customer fails to return the City's hydrant meter they will forfeit their entire deposit and may face additional fines and be charged with theft of a meter. Any customer who fails to return the hydrant meter and pay all applicable fees will no longer be eligible for further permits. Any customer obtaining fire hydrant water without first obtaining a permit will not be granted a permit for a period of one year.
- d) *Enforcement; investigative fee.* City employees noticing fire hydrant withdrawal are authorized and directed to ask the customer to produce a permit and log. Any person or persons obtaining fire hydrant water in violation of any portion of this section, in addition to other fines or costs, will be required to pay an investigative fee as set forth in the fee schedule as adopted by City Council for each such occurrence. This charge shall not be in lieu of any other fee, charge or costs; and such person or persons shall also be required to pay the estimated cost of the consumption unlawfully obtained.
- e) *Violations; penalty.* Any person or persons having no contract or permit from an authorized city personnel using such consumption for the benefit of such customer or sale of such water shall be in violation of this section and shall be punished by a fine of \$500 and/or by imprisonment not exceeding 30 days. Any person who shall aid, abet or assist any such person in such withdrawal and appropriation of fire hydrant water shall likewise be guilty of a misdemeanor punishable in like manner. Each day of violation shall be considered a separate offense.
- f) *Submitting false information; changes in information.* It shall be unlawful for any person applying to the city for service under this section to furnish to the city any false or incorrect information, and each such person shall immediately notify the city of any change of name or other information given on the permit application and contract.
- g) *Backflow prevention device required.* Users of fire hydrant water must use backflow prevention devices so that dirt or chemicals cannot find their way back into the hydrant, contaminating the water in the system.
- h) *Operation of hydrants; damages to hydrants.* Fire hydrants may only be operated with hydrant wrenches, and pipe wrenches or channel lock pliers and the like are prohibited for use in opening or closing the valve in the fire hydrant. Fire hydrants must be opened and closed very slowly so as to eliminate water hammer damage to the system. Any damage to the system caused by improper use of the fire hydrant must be paid for by the customer who caused the damage.

Section 8. Separate fire protection water line fee.

A monthly availability fee as set forth in the fee schedule adopted annually by City Council through the passage of the budget shall be due from any customer utilizing a fire protection system, including but not limited to sprinklers or private hydrants, connected directly to the city's water main by a four-in or larger tap.

Section 9. Hydrant flow test.

A hydrant flow testing fee as set forth in the fee schedule adopted annually by City Council through the passage of the budget will be charged to conduct flow tests requested on city fire hydrants in order for the requesting party to obtain permits to construct new water lines which will connect to the city system.

Article III- Wastewater Treatment System

Section 1. Purposes, objectives and scope of article.

- a) This article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1984, as amended, and the General Pretreatment Regulations (40 CFR 403).
- b) The objectives of this article are to:
 - i. Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - ii. Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - iii. Improve the opportunity to recycle and reclaim wastewater and sludges from the system; and
 - iv. Provide for equitable distribution of the cost of the municipal wastewater system.
- c) This article provides for the regulation of all contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this article.
- d) This article shall apply to the persons in the city and to persons outside the city who are, by the contract or agreement with the city, users of the city's system. Except as otherwise provided in this article, the city manager or his representative shall administer, implement and enforce the provisions of this article.

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act and *the Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Approval authority means the commissioner of the state department of health and environmental control or his representative.

Authorization letter means a written statement that the city will allow the user to connect to the sewer system and that the city will accept the wastewater for treatment.

Authorized representative of industrial user means:

- 1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
- 2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- 3) A duly authorized representative of the individual designated in subsection (1) or (2) of this definition if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius, expressed in terms of weight and concentration (milligrams per liter).

Building sewer means a sewer conveying wastewater from the premises of a user to the system.

Categorical standards means national categorical pretreatment standards or pretreatment standards.

Chemical oxygen demand or *COD* means a measurement of the oxygen required to oxidize all compounds (organic and inorganic), in water or wastewater.

City Manager means the person designated by the city council to supervise the operation of the city's treatment system and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

Contributor means any person who discharges any water or wastewater to the city's collection or municipal wastewater treatment system.

Control authority means the city manager or his designee.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Day means the 24-hour period beginning at one midnight and continuing to the next midnight.

Domestic discharge means the discharge or the introduction of domestic pollutants from any source into the system.

Environmental Protection Agency and *EPA* mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Industrial discharge means the discharge or the introduction of nondomestic pollutants from any source into the system, including holding tank waste discharged into the system.

Industrial user means any source of industrial or nondomestic discharge to the city's system.

Industrial user permit means a wastewater discharge permit that is issued to an industrial user who is not a significant industrial user (SIU). SIUs must obtain a significant industrial user permit in order to discharge to the system.

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

Interference means the inhibition or disruption of the treatment processes or operations which contributes to a violation of any requirement of the city's NPDES permit. The term includes prevention of sewage sludge beneficial use or disposal by the system in accordance with section 405 of the Act (33 USC 1345), or any criteria, guidelines or regulations developed pursuant to the Clean Water Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the system.

Local limits mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Long term average shall be based upon a reasonable measure of the industrial user's actual long-term average concentration or rate, such as the average daily flow rate during the representative year.

Municipal wastewater treatment system and system mean a treatment works as defined by section 212 of the Act (33 USC 1292), which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term "system" shall also include any sewers that convey wastewater to the system from persons outside the city who are, by contract or agreement with the city, users of the city's system.

National categorical pretreatment standard and pretreatment standard mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

National pollutant discharge elimination system (NPDES) permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

National prohibitive discharge standard and *prohibitive discharge standard* mean any regulation developed under the authority of section 307(b) of the Act and 40 CFR 403.5.

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 USC 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

Non-significant categorical industrial user (NSCIU) means an industrial user subject to federal categorical pretreatment standards who, as determined by the city, will not significantly affect the city's wastewater treatment system, sludge production or NPDES discharge. The city may determine that an industrial user is a non-significant categorical industrial user rather than a significant industrial user on finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the pretreatment standard) and the following condition are met:

- 1) The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- 2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
- 3) The industrial user never discharges any untreated concentrated wastewater.

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

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, state or federal governmental entity or any other legal entity, or their legal representatives, agents or assigns.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

Pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pretreatment and *treatment* mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a system. The reduction or alteration can be obtained by physical, chemical or

biological processes, or process changes by other means, except by dilution as prohibited by 40 CFR 403.6(d).

Pretreatment requirement means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Publicly owned treatment works or *POTW* means treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Slug load or *slug discharge* means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Suspended solids means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

Treatment plant means that portion of the system designed to provide treatment to wastewater.

User means any person who contributes, causes or permits the contribution of wastewater into the city's system.

Wastewater means the liquid and water-carried domestic wastes from dwellings, commercial buildings and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

Zero discharge permit means a permit to an industrial user that does not discharge any process wastewater to the city's system. The city may issue a zero discharge permit after a zero discharge statement from the industry is received and reviewed by the city.

Section 3. Civil Penalties.

- a) Any user who is found to have violated an order of the city or who willfully or negligently fails to comply with any provision of this article or the orders, rules, regulations and permits issued under this article shall be subject to a civil penalty not to exceed \$2,000.00 per day. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. The civil penalty shall be imposed using the

procedure set forth in S.C. Code 1976, § 6-11-285, and in SCDHEC regulation 61-72. In addition to the penalties provided in this section, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued under this article.

- b) The city may recover all reasonable costs associated with the violation and/or the enforcement action, to include but not be limited to costs for correcting problems in the treatment plant or sewer system caused by the violation, costs for sampling and analysis, staff personnel manpower requirements, and all other costs determined by the city to be related to the violation and/or enforcement action.
- c) The amount of the penalty shall be increased up to the maximum allowed according to the severity of the violation, the impact on the treatment plant or sewer system, and the effect on the receiving stream or sludge.

Section 4. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or a wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than \$2,000.00 or by imprisonment for not more than 30 days, or by both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Section 5. Harmful contributions; suspension.

- a) The city may suspend the wastewater treatment service and/or wastewater discharge permit or authorization letter when such suspension is necessary, in the opinion of the city, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the system, or causes the city to violate any condition of its NPDES permit or state disposal permit.
- b) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit or authorization letter shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The city shall reinstate the wastewater discharge permit or authorization letter and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, and upon payment of any costs associated with reconnection of the service.
- c) A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence.

Section 6. Notice of Violation.

Whenever the city finds that any user has violated or is violating this article or any prohibition, limitation or requirements contained in this article, the city may serve upon such

user a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

Section 7. Show cause hearing.

- a) The city may order any user who has violated or is violating this article, a wastewater discharge permit or authorization letter, or any prohibition, limitation or requirements contained in this article to show cause as to why enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a show cause hearing to be held by the city regarding the violation, and directing the user to show cause as to why enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten days before the hearing.
- b) The city shall conduct the hearing and develop a written record of the proceedings.
- c) After the city has reviewed the information, it may issue an order to the user responsible for the discharge directing that the user cease the discharge to the city's sewer system; that the user comply with its permit or authorization letter, this article, any prohibition, or any other applicable requirement; and/or that the user pay a penalty as authorized by this article.
- d) If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this article, federal or state pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of the county.

Article IV- Drought Response

Section 1. Definitions.

Aesthetic Water Use. Water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and Industrial Use. Water use integral to the retail sale or production of goods and/or services by any establishment having profit as its primary aim, or the activity required to construct a facility to house such establishments.

Conservation. Reduction in water use to prevent depletion or waste of the resource.

Customer. Any person, company, business or organization using finished water supplied by the City.

Domestic Water Use. Water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought Alert Stages. There are four drought alert stages to be determined by the Drought Response Committee for the State of South Carolina. The four stages are:

- 1) Stage 1- Slight Drought
- 2) Stage 2- Moderate Drought
- 3) Stage 3- Severe Drought
- 4) Stage 4- Extreme Drought

Drought Response Management Areas. There are four drought management areas corresponding to the major river basins in South Carolina. The four areas are:

- 1) West- Savannah
- 2) Central- Santee
- 3) Northeast- Pee Dee
- 4) Southern- Ashepoo, Combahee and Edisto

Tega Cay, Fort Mill, Rock Hill and York County are included in the eighteen (18) county Central, or Santee, Response Management Area. In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas or within individual counties, as applicable.

Drought Response Committee. A committee composed of State and local representatives created for the purpose of coordinating responses to water supply shortages within Drought Management Areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor. The Committee is composed of State agency representatives from the South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of Health and Environmental Control, South Carolina Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts.

Essential Water Use. Water use specifically for firefighting, maintaining in-stream flow requirements and to satisfy Federal, State or local public health and safety requirements.

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

Institutional Water Use. Water used by government, public or private educational institutions, churches and places of worship, water utilities, golf courses and organizations within the public domain.

Irrigation or Landscape Water Use. Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

Non-essential Water Use. Categories of water use other than Essential Water Use. Examples of non-essential water use include landscape irrigations and the washing of buildings, parking lots, automobiles, etc.

Resident. Any person, company, business or organization residing or located within the jurisdictional limits of the City of Tega Cay.

Residential Equivalent Unit (REU). An equivalency unit defined to be equal to one household. The City of Tega Cay allocated water capacity equals 400 gallons per day per REU.

SC Department of Natural Resources (SCDNR). The State agency with primacy to implement the provisions of the Drought Response Act.

Water Supply Shortage. Lack of adequate, available water caused by drought to meet normal demands.

Section 2. Drought Management Plan

- a) Administering a Drought Plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the water system's Drought Response Representative. The Drought Response Representative for the City of Tega Cay is the City Manager unless otherwise assigned by the City Manager. This representative can be contacted at Tega Cay City Hall, 7725 Tega Cay Dr., Tega Cay, SC 29708, or by calling (803) 548-3512.
- b) The Tega Cay Utility Department purchases all of its water from the Town of Ft. Mill who purchases its water from the City of Rock Hill. The water system is located in the Central, or Santee, Drought Response Management Area of South Carolina. The distribution system serves a portion of residential, institutional and commercial water customers inside the city limits of Tega Cay.
- c) Operators of every water system must develop historical trends that are valuable indicators of a system's ability to meet demand when demand begins to outpace supply. Because the City of Tega Cay is a wholesale water customer of the Town of Fort Mill, Fort Mill is a wholesale customer of the City of Rock Hill and because each entity is located with the same county and Drought Response Management Area of South Carolina, the City of Tega Cay will utilize the same criteria for determining the drought stage level. The City of Rock Hill and the Town of Fort Mill have developed their own system-specific triggers for use during demand water shortages that describe when the stages of the City's Drought Response Plan are to be implemented; the City's system-specific stages of drought may or may not correlate with the four drought alter stages determined and declared by the Drought Response Committee for the State of South Carolina. The identified system-specific drought stages and respective triggers are as follows:
 - i. *Slight Drought/Voluntary Alert:*

The City may declare a slight water shortage when the following trigger levels are realized:

 - 1) Rock Hill's water filter plant's average daily treatment capacity reaches seventy-five (75) percent of the SCDHEC permitted capacity; and/or
 - 2) The elevation of Lake Wylie is at 95 fee- Lake Wylie is considered to be at "full pond" at 100 feet (569.4 feet above sea level); and/or
 - 3) The City of Rock Hill or the Town of Fort Mill declares a Stage 1 Water Alert.
 - ii. *Moderate Drought/Mandatory Alert:*
 - 1) Rock Hill's water filter plant's average daily treatment capacity reaches eighty (80) percent of the SCDHEC permitted capacity; and/or
 - 2) The elevation of Lake Wylie is at 93 fee- Lake Wylie is considered to be at "full pond" at 100 feet (569.4 feet above sea level); and/or
 - 3) The City of Rock Hill or the Town of Fort Mill declares a Stage 2 Water Alert.

- iii. *Severe Drought/Increased Mandatory Alert:*
 - 1) Rock Hill's water filter plant's average daily treatment capacity reaches eighty-five (85) percent of the SCDHEC permitted capacity; and/or
 - 2) The elevation of Lake Wylie is at 90 feet- Lake Wylie is considered to be at "full pond" at 100 feet (569.4 feet above sea level); and/or
 - 3) The City of Rock Hill or the Town of Fort Mill declares a Stage 3 Water Alert.
- iv. *Extreme Drought/Emergency Alert:*
 - 1) Rock Hill's water filter plant's average daily treatment capacity reaches ninety (90) percent of the SCDHEC permitted capacity; and/or
 - 2) The elevation of Lake Wylie is at 85 feet- Lake Wylie is considered to be at "full pond" at 100 feet (569.4 feet above sea level); and/or
 - 3) The City of Rock Hill or the Town of Fort Mill declares a Stage 4 Water Alert.
- d) Successful drought management requires a comprehensive program by the water utility. In many situations administrative agreements are required with other agencies to fully implement the Plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The City of Tega Cay identifies the following agreements that are in place to facilitate the implementation of this Plan:

*Whole Sale Water Purchase Agreement
between the Town of Fort Mill and the City of Tega Cay
Dated October 30, 2014*

- e) Before the occurrence of a water supply shortage and the need to implement the emergency provisions of this Article, it is important that certain pre-response measures be taken with the aim of conserving the system's source water, as well as, the water distributed to the customer. In regards to the conservation measures listed below, the City of Tega Cay has taken the following actions:

On an annual basis, the City of Tega Cay will identify the top 10% of the system's major water users, including institutional, commercial and wholesale customers. As major water consumers, the City of Tega Cay will strongly encourage these customers to voluntarily reduce water consumption by specified percentages as deemed necessary based on the declared drought status.

A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the program goals. Keeping the public involved, informed and participating in the decision-making process is key to implementing an effective Drought Management Plan. Water conservation and drought management information will be conveyed to the City's customers and residents through utility bill inserts, public notices, City Council or other public meetings, the City's annual Consumer Confidence/Water Quality Report, newsletters, public access television, website and social media.

Section 3. Drought Response

- a) The objective of this Drought Response Plan is to establish authority, policy and procedure by which the City of Tega Cay will take the proper actions to manage water demand during a drought-related shortage. Article IV of this Ordinance satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection and of allocating water for other purposes in an equitable manner.

This Ordinance outlines the actions to be taken for the conservation of water supplied to the City of Tega Cay and Carolina Water, Inc. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

To satisfy these goals, the City of Tega Cay hereby adopts the following regulations and restrictions on the delivery and consumption of water. This Ordinance is hereby declared necessary for the protection of public health, safety and welfare and shall take effect upon its adoption by the City of Tega Cay.

If it becomes necessary to conserve water within its jurisdictional limits due to drought, the City of Tega Cay is authorized to issue a Proclamation that existing conditions prevent fulfillment of the usual water use demands. The Proclamation is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

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

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

The Drought Management Plan as outlined in Sections I - III is hereby approved.

- b) Upon determination by the City of Tega Cay that a slight water supply shortage exists based on trigger levels, the City of Tega Cay will reserve the right to seek voluntary reductions from its customers and residents in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this stage is to achieve a reduction in overall water use of 3-5% or more. To accomplish these goals, the City of Tega Cay may take the following actions:
 - i. Issue a Proclamation to be released to the local media, the City of Tega Cay customers and residents, and to the South Carolina Department of Natural Resources Drought Information Center that Stage 1 drought conditions are present, and
 - ii. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service areas of the City the voluntary conservation measures that the customers and residents are requested to follow during Stage 1 drought conditions, including, but not limited to, the following:

- 1) Recommend voluntary reduction of residential water use to a maximum of 350 gallons per household, or REU, per day;
 - 2) Reduce the washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard surfaced areas;
 - 3) Reduce the washing down of buildings for purposes other than immediate fire protection;
 - 4) Reduce the flushing of gutters;
 - 5) Reduce the domestic washing of motorbikes, boats, cars, etc.;
 - 6) Reduce the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - 7) Reduce the watering of lawns, plants, trees, gardens, shrubbery and flora to no more than two (2) days per week. Encourage outdoor watering to be done during off-peak hours (9:00 pm – 5:00 am), and
- iii. Encourage the voluntary limitation of normal water use by commercial and institutional customers including, but not limited to, the following:
 - 1) Stop serving water, in addition to another beverage, routinely in restaurants;
 - 2) Reduce the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
 - 3) Reduce the watering of lawns, plants, trees, gardens, shrubbery and flora to no more than two (2) days per week. Encourage outdoor watering to be done during off-peak hours (9:00 pm – 5:00 am);
 - 4) Reduce the amount of water obtained from fire hydrants for construction purposes, fire drills or for any purpose other than fire-fighting or flushing necessary to maintain water quality; and
 - iv. Cease water service to commercial and institutional customers who have been given a 10 day notice to repair one or more leaks and have failed to do so; and
 - v. Intensify maintenance efforts to identify and correct water leaks in the distribution system; and
 - vi. Continue to encourage and educate customers and residents to comply with voluntary water conservation.
- c) Upon determination by the City of Tega Cay that a moderate water supply shortage exists, the City of Tega Cay will reserve the right to seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this stage is to achieve a reduction in overall water use of 5-10% or more. To accomplish these goals, the City of Tega Cay may take the following actions:
- i. Issue a Proclamation to be released to the local media, the City of Tega Cay customers and residents, and to the South Carolina Department of Natural Resources Drought Information Center that Stage 2 drought conditions are present; and
 - ii. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service areas of the City the voluntary conservation measures and

mandatory restrictions that the customers and residents are required to follow during Stage 2 drought conditions, including, but not limited to, the following :

- 1) Recommend voluntary reduction of residential water use to a maximum of 300 gallons per household, or REU, per day;
- 2) For landscape design & maintenance, the use of low-volume, handheld watering applications (including drip hoses) is encouraged;
- 3) Restrict the use of sprinklers, irrigation systems or other remote landscape watering devices to two days per week between the hours of 9:00 pm and 5:00 am. Designated outdoor watering days for all addresses will be established by the Drought Response Representative;
- 4) Planting of new ornamental plants or seeding/sodding of lawns is discouraged. However, if newly seeded/sodded lawns require regular watering to maintain healthy growth, residents shall water newly seeded/sodded lawns only one time per day for the first two weeks after the seeding/sodding takes place. Watering shall only take place between the hours of 9:00 p.m. and 5:00 a.m. All watering of seeded/sodded lawns following the first two weeks of watering shall follow the schedules outlined above;
- 5) Limit water-based recreational activities that require filling newly-constructed or drained structures such as swimming pools, water slides or other water-based recreational equipment. Reduce filling or maintaining public or private swimming pools to one time per drought period. Newly-constructed public or private swimming pools may be filled one time per drought period. Recycled water must be in used for water slides and other water-related activities to continue operations;
- 6) Prohibit the use of water to maintain fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;
- 7) Prohibit the residential washing of motorbikes, boats, cars, etc. Residents are encouraged to utilize automated, water-efficient commercial car washes, preferably where water is recycled or reclaimed;
- 8) Prohibit the residential washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard-surfaced areas. Pressure washing businesses that use their own water tank, with water supplied from an alternate source such as a well, may continue to operate;
- 9) Prohibit the residential washing down of buildings for purposes other than immediate fire protection. Pressure washing businesses that use their own water tank, with water supplied from an alternate source such as a well, may continue to operate;
- 10) Residents are encouraged to postpone planting of new landscaping until after the drought period has ended; and

iii. Limit the use of water by commercial and institutional customers including, but not limited to, the following:

- 1) Stop serving water, in addition to another beverage, routinely in restaurants;
- 2) Restrict the use of sprinklers, irrigation systems or other remote landscape watering devices to two days per week between the hours of 9:00 pm and 5:00

- am. Designated outdoor watering days for all addresses will be established by the Drought Response Representative;
- 3) Planting of new ornamental plants or seeding/sodding of lawns is discouraged. However, if newly seeded/sodded lawns require regular watering to maintain healthy growth, customers shall water newly seeded/sodded lawns only one time per day for the first two weeks after the seeding/sodding takes place. Watering shall only take place between the hours of 9:00 p.m. and 5:00 a.m. All watering of seeded/sodded lawns following the first two weeks of watering shall follow the schedules outlined above;
- 4) Prohibit the commercial washing down of sidewalks, walkways, driveways, parking lots, tennis courts and other hard-surfaced areas. Pressure washing businesses that use their own water tank, with water supplied from an alternate source such as a well, may continue to operate;
- 5) Prohibit the commercial washing down of buildings for purposes other than immediate fire protection. Pressure washing businesses that use their own water tank, with water supplied from an alternate source such as a well, may continue to operate;
- 6) Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life;
- 7) Discourage obtaining water from fire hydrants for construction purposes, fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality; and
- iv. In all cases of landscape irrigation and maintenance, water runoff is strictly prohibited.
- v. Cease water service to any customer who has been given a 10-day notice to repair one or more leaks and have failed to do so; and
- vi. Intensify maintenance efforts to identify and correct water leaks in the distribution system; and
- vii. Publicize the procedures to be followed if a variance in the restrictions is requested; and
- viii. Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions; and
- ix. Provide written notification monthly to the South Carolina Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.
- d) Upon determination by the City of Tega Cay that a severe water supply shortage exists based on the trigger levels, the City of Tega Cay will reserve the right to impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this stage is to achieve a reduction in overall water use of 10-20% or more. To accomplish these goals, the City of Tega Cay may take the following actions:
 - i. Issue a Proclamation to be released to the local media, the City of Tega Cay customers and residents, and to the South Carolina Department of Natural Resources Drought Information Center that Stage 3 drought conditions are present; and

- ii. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service areas of the City the mandatory restrictions that the customers and residents are required to follow during Stage 3 drought conditions, including, but not limited to, the following:
 - 1) Recommend limiting residential water use to a maximum of 275 gallons per household, or REU, per day;
 - 2) For landscape design & maintenance, the use of low-volume, handheld watering applications with spring-loaded nozzles or other low volume applications (including drip hoses) is strongly encouraged;
 - 3) The use of sprinklers, irrigation systems or other remote watering devices is limited to one day per week between the hours of 9:00 pm and 5:00 am. Designated outdoor watering days for all addresses will be established by the Drought Response Representative;
 - 4) Residents are strongly encouraged to postpone planting of new landscaping until after the severe drought period has ended. During a Stage 3 drought, residents who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these mandatory restrictions, however these residents are not guaranteed that a variance will be granted;
 - 5) Prohibit the filling of new swimming pools; and
- iii. Limit the use of water by commercial and institutional customers including, but not limited to, the following:
 - 1) Restrict the use of sprinklers, irrigation systems or other remote landscape watering devices to one day per week between the hours of 9:00 pm and 5:00 am. Designated outdoor watering days for all addresses will be established by the Drought Response Representative;
 - 2) Customers are strongly encouraged to postpone planting of new landscaping until after the severe drought period has ended. During a Stage 3 drought, customers who have newly seeded/sodded lawns that require regular watering to maintain healthy growth may petition for a variance from these mandatory restrictions, however these customers are not guaranteed that a variance will be granted;
 - 3) Limit water consumption from fire hydrants for construction purposes (except as required to maintain regulatory compliance), fire drills or any purpose other than fire-fighting or flushing necessary to maintain water quality;
 - 4) Limit public building, sidewalk, and street washing activities, except as required for safety or to maintain regulatory compliance; and
- iv. In all cases of landscape irrigation and maintenance, water runoff is strictly prohibited; and
- v. Cease installation of new irrigation taps on the water system.
- e) Upon determination by the City of Tega Cay that an extreme water supply shortage exists based on the trigger levels, the City of Tega Cay will reserve the right to impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this stage is to achieve a reduction

in overall water use of 25% or more. To accomplish these goals, the City of Tega Cay may take the following actions:

- i. Issue a Proclamation to be released to the local media, the City of Tega Cay customers and residents, and to the South Carolina Department of Natural Resources Drought Information Center that Stage 4 drought conditions are present; and
- ii. Provide written notification to the South Carolina Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service areas of the City the mandatory restrictions that the customers and residents are required to follow during Stage 4 drought conditions, including, but not limited to, the following:
 - 1) Strongly recommend limiting residential water use to a maximum of 250 gallons per household, or REU, per day;
 - 2) Restrict all outdoor water use;
 - 3) The use of sprinklers, irrigation systems or other remote watering devices is strictly prohibited during a Stage 4 drought;
 - 4) Residents are required to postpone planting of new landscaping until after the extreme drought period has ended. Planting of new ornamental plants or seeding/sodding of lawns is prohibited due to watering limitations;
 - 5) Prohibit all filling, maintaining or topping-off public or private swimming pools, water slides or other water-based recreational equipment;
 - 6) Prohibit the flushing of residential gutters;
 - 7) Prohibit the washing down of residential sidewalks, walkways, driveways, parking lots, tennis courts and other hard-surfaced areas. Pressure washing businesses that use recycled or reclaimed water may continue to operate (see Line 3h below);
 - 8) Prohibit the washing down of residential buildings for purposes other than immediate fire protection. Pressure washing businesses that use recycled or reclaimed water may continue to operate (see Line 3h below); and
- iii. Prohibit normal water use by commercial and institutional customers including, but not limited to, the following:
 - 1) Prohibit all outdoor water use;
 - 2) The use of sprinklers, irrigation systems or other remote watering devices is strictly prohibited during a Stage 4 drought;
 - 3) Customers are required to postpone planting of new landscaping until after the extreme drought period has ended;
 - 4) Prohibit the flushing of commercial gutters;
 - 5) Prohibit the washing down of commercial sidewalks, walkways, driveways, parking lots, tennis courts and other hard-surfaced areas. Pressure washing businesses that use recycled or reclaimed water may continue to operate (see Line h below);
 - 6) Prohibit the washing down of commercial buildings for purposes other than immediate fire protection. Pressure washing businesses that use recycled or reclaimed water may continue to operate (see Line h below);
 - 7) Prohibit public building, sidewalk, and street washing activities, except as required for safety or to maintain regulatory compliance;

- 8) All car washing and pressure washing businesses are required to cease operations during a Stage 4 emergency drought, unless these businesses are using recycled or reclaimed water in their processes. However, should an extreme water shortage continue for more than a week, these businesses may be required to cease operations;
 - 9) Advise institutional, commercial and industrial customers to develop strategies for water reduction measures, including an activity schedule and contingency plans; and
- iv. Outline other conservation measures; examples include but are not limited to the following:
 - 1) Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;
 - 2) Strongly encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average;
 - 3) Publicize widely the penalties to be imposed for violations of mandatory restrictions and expand the use of education and public relations efforts.
- f) The City Council of the City of Tega Cay reserves the authority to modify the restrictions within a stage, require restrictions from other than the declared state and/or add or delete restrictions as appropriate under the following conditions:
 - i. To coordinate restrictions with other local jurisdictions;
 - ii. To balance the need to conserve water with the local needs of the residents and customers;
 - iii. Any other unanticipated condition as deemed appropriate by Council
 - g) If a drought threatens the protection of public health and safety, the City of Tega Cay is hereby authorized to ration water.
 - h) If any customer or resident of the City of Tega Cay fails to comply with the mandatory water use restrictions of this Article or other declared restrictions deemed necessary by City Council, the customer shall be given a written notice of such failure to comply, which cites the date of said violations and shall be assessed fines in accordance with the following schedule:
 - i. *Residential Fines:*
 - First Violation- \$50 + applicable court costs
 - Second Violations- \$100 + applicable court costs
 - Third Violation- Customer's water service shall be terminated and restored only after payment of a fine in the amount of \$150, applicable court costs, reconnections fee and all previously assessed fines
 - ii. *Commercial, Institutional and Industrial Fines:*
 - First Violation- \$100 + applicable court costs
 - Second Violation- \$200 + applicable court costs
 - Third Violation- Customer's water service shall be terminated and restored only after payment of a fine in the amount of \$300, applicable court costs, reconnection fee and all previously assessed fines.

City Council authorizes all designated law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction, to diligently enforce the provisions of the Drought Response Plan.

- i) Customers and residents, who in their belief are unable to comply with the mandatory water use restrictions of this Drought Response Ordinance, may petition for a variance from restrictions by filing a petition with the City of Tega Cay within ten (10) working days after the issuance of the Proclamation requiring water use restrictions, and when Council declares a change of drought stage or any modifications to the restrictions. All petitions for variance shall contain the following information:
 - a. Name and address of the petitioner;
 - b. Purpose of water usage;
 - c. Special provision from which the petitioner is requesting relief;
 - d. Detailed statement as to how the curtailment declaration adversely affects the petitioner;
 - e. Description of the relief desired;
 - f. Period of time for which the variance is sought;
 - g. Economic value of the water use;
 - h. Damage or harm to the petitioner or others if petitioner complies with the Ordinance;
 - i. Restrictions with which the petitioner is expected to comply and the compliance date;
 - j. Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and
 - k. Other information as needed.

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

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

Article V- Severability and Effective Date

- a) If any portion of the Ordinance is held to be unconstitutional for any reason, the remaining portions of this Ordinance shall not be affected. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between this Ordinance and other rules and regulations of the City of Tega Cay.
- b) Nothing in this Ordinance shall be deemed to invalidate or be interpreted in a manner inconsistent with any covenants now in effect and given as security to holders of bonds secured by revenues of the system.
- c) This ordinance shall become effective immediately upon its final passage.

Enacted this ____ day of ____, 2015, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

FIRST READING: _____
SECOND READING: _____

SIGNED:

CITY OF TEGA CAY

[SEAL]

George C. Sheppard, Mayor

Jennifer Stalford, Mayor Pro Tempore

Dottie Hersey, Council Member

ATTEST:

Ron Kirby, Council Member

Charlie Funderburk, City Manager

Chris Landvik-Larsen, Council Member

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ____ day of _____, 2015.

Sylvia Szymanski

Municipal Clerk

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
CITY OF TEGA CAY)

ORDINANCE 426 AMENDED

AN ORDINANCE TO REPEAL ORDINANCE 132 IN ITS ENTIRETY AND TO ESTABLISH REQUIREMENTS FOR THE ORGANIZING, COLLECTING, AND DISPOSAL OF MUNICIPAL SOLID WASTE, RESIDENTIAL RECYCLABLE MATERIALS AND YARD WASTE MATERIALS; AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE

WHEREAS, the City of Tega Cay finds it necessary to provide certain services to its residents;
and

WHEREAS, the City of Tega Cay has determined it is in the best interest of health, safety and general welfare of its residents to provide a comprehensive waste collection service;

WHEREAS, the waste collection service shall include Municipal Solid Waste, Recyclable Materials and Organic Yard Waste Material; and

WHEREAS, the City of Tega Cay has found it necessary to make revisions to Ordinance 426.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Tega Cay, South Carolina, duly assembled do hereby approve Ordinance 426 Amended as contained herein:

SECTION 1. ORGANIZATION- This Comprehensive Waste Management System shall be implemented by the Department of Public Works and under the supervision of the City Manager, or his/her designee.

SECTION 2. RELATIONSHIP OF THIS ORDINANCE TO OTHER ORDINANCES- This ordinance hereby supersedes and repeals Ordinances 22, 24, and 132. This Ordinance is intended to work in conjunction with Ordinances 70 (Uniform Law Enforcement), No. 25 (Guidelines For Maintenance of Vacant and Occupied Property), No. 96 (Erosion and Sedimentation), No. 77 (Zoning Ordinance) and No. 373 (Storm Water).

SECTION 3. DEFINITIONS- For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the content, words used in the present tense include the future, and words in the singular number include the plural number. The word "**shall**" is always mandatory and not merely directory.

- A. BROWN GOODS** - Large items such as furniture and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection,

processing, or disposal methods. This does not include mattresses, box springs or other bedding material.

- B. CONSTRUCTION AND DEMOLITION WASTE (C&D WASTE)** - Waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
- C. ELECTRONICS** – Televisions, stereos, portable radios, computer equipment and mobile devices.
- D. GARBAGE** - Dead animals of less than ten (10) pounds in weight that have been slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter including, but not limited to, other foods containers; and all putrescible or easily decomposable waste; animal or vegetable matter which is likely to attract flies or rodents, but excluding sewage and human waste.
- E. HAZARDOUS WASTE** - Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the federal or state government to be hazardous, toxic, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious and/or bio-hazardous as those terms are defined by or pursuant to Federal or State law or regulations.
- F. INDUSTRIAL WASTE** - Solid Waste generated by industrial processes and manufacturing.
- G. MEDICAL WASTE** - Any Solid Waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste or those substances excluded from the definition of Solid Waste.
- H. MUNICIPAL SOLID WASTE** - Solid Waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste service. Municipal Solid Waste never includes Hazardous Waste, Special Waste, Medical Waste, or solid waste from mining or agricultural operations.
- I. POWER EQUIPMENT** – Any residential tool/equipment such as lawn mowers, line trimmers, chainsaws, etc. that operate using a combustible fuel.
- J. RECYCLABLES** - Newspapers and their inserts, aluminum beer and soft drink cans, HDPE plastic milk & water jugs, steel containers used for food and drinks,

aluminum foil, bi-metal or tin cans used for food & drinks, PET plastic soft drink bottles, aluminum pie plates, clear glass used for food and beverages, brown or amber glass used for food & drinks, green glass used for food and beverages, blue glass used for food and beverages, telephone books, mixed paper goods, magazines, old corrugated cardboard.

- K. REFUSE** - All non-putrescible waste.
- L. RUBBISH/TRASH** - All waste wood, wood products (but not Yard Waste), chips, shavings, sawdust, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, glass, and mineral or metallic substances.
- M. SERVICES** - Those services set forth in Section 4 below.
- N. SOLID WASTE** - All solid and semi-solid Garbage, Refuse, and Rubbish/Trash, but never (a) Hazardous Waste or Special Waste, (b) the other items excluded under the Exclusions paragraph of this Contract, (c) solid or dissolved materials in domestic sewage, (d) solid or dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended (86 STAT.880), or (f) source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as amended (68 STAT.923).
- O. SPECIAL WASTE** - Solid Waste that can require special handling and management, including White Goods, whole tires, used motor oil, lead -acid batteries and Medical Wastes. Also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl ("PCB") wastes; industrial process wastes; asbestos containing material; chemical containing equipment; demolition debris; incinerator ash; medical wastes; off-spec chemicals; sludge; spill-cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.
- P. WHITE GOODS** - Refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, and other similar domestic and commercial large appliances. This does not include electronics such as TV's, computers, stereo equipment, etc.
- Q. YARD WASTE** - Any and all vegetative matter resulting from landscaping or yard maintenance with the exception of dirt or soils.

SECTION 4. MUNICIPAL SOLID WASTE- The removal of household garbage and trash known collectively as municipal solid waste may be provided by the City or its designee. Pickup shall be provided no less than once a week at curbside. Residents on Common Driveways must place their waste at the street. Household garbage shall be placed in a container that has been provided by the City or its designee. Containers may be placed at the street no sooner than 24 hours prior to the scheduled collection and no later than 6:00 am the day of the scheduled collection. Containers must be removed from the street and returned to an unobtrusive area on

the resident's property no later than 24 hours after collection. Residents with disabilities or who are otherwise unable to place their container at the street may request special services by the City. If the City determines there is a special need for that resident, proper collection arrangements will be made. Certain areas of the City may require a specified area for container placement. This area shall be designated by the City Manager and/or his/her designee.

SECTION 5. RECYCLE WASTE- The removal of recyclable materials shall be provided by the City or its designee. Materials shall be placed in a container that is provided by the City or its designee at the street for collection. Residents on common driveways must place their recyclable goods at the street. Containers may be placed at the street no sooner than 24 hours prior to the scheduled collection and no later than 6:00 am the day of the scheduled collection. Containers must be removed from the street and returned to an unobtrusive area on the resident's property no later than 24 hours after collection. Residents with disabilities or who are otherwise unable to place they container at the street may request special treatment by the City. If the City determines there is a special need for that resident, proper collection arrangements will be made. Certain areas of the City may require a specified area for container placement. This area shall be designated by the City Manager and/or his/her designee. Recyclables shall be collected no less than once every two weeks.

SECTION 6. YARD WASTE- The collection of yard waste shall be at curbside either by the City or its designee. All yard waste shall be placed at the back edge of the curb in front of the resident's home, and shall not be within the street or gutter if the street has curb and gutter. Residents living on common driveways shall haul their materials to street for collection and place them in such a fashion where access to the any of the surrounding properties is not blocked and they are not causing damage to any other privately owned property. . Certain areas of the City may require a specified area for container placement. This area shall be designated by the City Manager and/or his/her designee. No tree parts shall be larger than 5 feet in length and 4 inches in diameter. Leaves, grass clippings, shrubbery, and all other organic yard waste shall be placed at curbside in a manner and at a time designated by the City Manager or his/her designee. Leaves, grass clippings and other small cellulose waste shall be placed in sturdy plastic bag, preferably bio-degradable, except for during such times of the year when the City or its designee provides for these items to be piled loosely at the curb. Tree parts larger than specified within this section may be placed out for collection after the appropriate fee has been paid at City Hall or other designated office. All contractors conducting work on private property are responsible for the removal of all debris including: tree parts, leaves, grass clippings, soils, shrubbery, mulch and pine needles.

SECTION 7. WHITE GOODS- The City will pick up these items but only after the required payments have been made as per the appropriate fee schedule that is approved annually be City Council. Residents shall not place these items out for collection until they have made proper payment for collection. At the time of payment, resident(s) must provide certification from a licensed professional that all Freon has been removed from the appliance. If a refrigerator, freezer, or dishwasher is placed outdoors for pickup, the doors must be removed.

SECTION 8. CONSTRUCTION MATERIALS- Any waste generated by a contractor during the course of doing any renovations or constructions must be removed by the Contractor. If the resident is performing the renovations or construction to their personal residence, dock,

landscaping, etc. the City will collect any debris after the required fee has been paid. The City will not collect or dispose of any cross-ties, also called railroad ties unless the proper fee has been paid.

SECTION 9. POWER EQUIPMENT- The City will remove any such equipment placed at curbside once the appropriate fees have been paid. All liquids, such as fuel and oil, must be removed from the equipment prior to it being placed curbside.

SECTION 10. BROWN GOODS- The City will remove brown goods after the required fee has been paid. Items shall not be placed at the curb until payment has been made. The City will not collect mattresses or box springs.

SECTION 11. ELECTRONICS - Electronics must be taken to a York County convenience center to be recycled.

SECTION 12. AUTOMOTIVE PARTS/WASTE- No automotive parts/waste shall be placed at curbside for collection or be collected.

SECTION 13. INDUSTRIAL WASTE- No industrial waste may be placed for collection.

SECTION 14. COMMERCIAL WASTE- No commercial waste may be placed for collection.

SECTION 15. PLACEMENT OF WASTE MATERIALS- No waste materials can be placed in any area that would block usage of a mailbox, street, driveway, parking pad, City owned or operated property, or parking space. Certain areas of the City may require a specified area for container or debris placement. This area shall be designated by the City Manager and/or his/her designee.

SECTION 16. SERVICES AND RATES- All rates/fees for the removal of items so noted in this Ordinance shall be reviewed and provided by City Council.

SECTION 17. HAZARDOUS MATERIALS- No hazardous materials shall be placed for collection.

SECTION 18. ENFORCEMENT- The enforcement of this Ordinance shall be by Code Enforcement Officer(s) and/or the Tega Cay Police Department.

SECTION 19. PENALTY- Any person, firm or corporation violating any provision of this ordinance shall be fined the maximum amount allowed by South Carolina Code of Laws, and/or imprisoned for not more than thirty (30) days. Each day the violation continues shall be considered a separate offense.

SECTION 20. SEPARABILITY- Should any section of this Ordinance be declared unconstitutional by the courts, such declaration shall not affect the validity of the Ordinance as a whole other than the part so declared to be unconstitutional or invalid.

Enacted this ___ day of ___, 2015, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

FIRST READING: _____

SECOND READING: _____

SIGNED:

CITY OF TEGA CAY

[SEAL]

George C. Sheppard, Mayor

Jennifer Stalford, Mayor Pro Tempore

Dottie Hersey, Council Member

ATTEST:

Ron Kirby, Council Member

Charlie Funderburk, City Manager

Chris Landvik-Larsen, Council Member

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ___ day of ___, 2015.

Sylvia Szymanski

Municipal Clerk



JOEL E. WOOD & ASSOCIATES

PLANNING • ENGINEERING • MANAGEMENT

Main Office

2160 Filbert Highway
York, SC 29745

P.O. Box 296
Clover, SC 29710

Tel.: (803) 684-3390
Fax.: (803) 628-2891

Kings Mountain,
NC

104 N. Dilling St.
Kings Mountain, NC
28086

P.O. Box 296
Clover, SC 29710

Tel.: (704) 739-2565
Fax.: (704) 739-2565

February 13, 2015

Via email

Ms. Susan Britt, Planning Director
City of Tega Cay
P.O. Box 3399
Tega Cay, SC 29715

**REF: CAMERON CREEK, PHASE I, MAP 1
BOND REQUIREMENTS**

Dear Ms. Britt:

As requested, I have reviewed the "Bond Estimate" provided by Merrick & Company for the above referenced Project. A copy of the estimate provided Merrick & Company is attached and made part of this correspondence. I first reviewed our files for cost for site development work and found cost to develop this portion of the project to be in line with cost for similar work. Therefore, I feel that the total project cost provided by Merrick & Company is a representative cost to complete the project.

I believe that the claim made by Merrick & Company of work not yet completed for the infrastructure shown on the Phase I Plat ONLY, along with the 1.25 multiplier required by the City, brings the total bond requirements for Cameron Creek, Phase I, to be \$308,514.56. To the best of my information and belief, the amount shown above is an appropriate amount for the Bond to be provided by the Owner for the infrastructure on the Phase I Map. Should you have any questions or need any additional information, please feel free to contact me.

Sincerely,

JOEL E. WOOD & ASSOCIATES, L. L. C.

Joel E. Wood, P. E.,
Managing Partner
Attch.



February 9, 2015

Ms. Susan Britt, Planner
City of Tega Cay
7675 Tega Cay Drive
Tega Cay, SC 29708

Re: Cameron Creek Phase 1
Opinion of Probable Cost to Complete

Dear Ms. Britt;

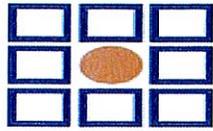
Attached please find Opinion of Probable Cost to complete the infrastructure in Phase 1 of Cameron Creek. As you will see, we have also identified the items currently complete as Sewer and Storm Drain.

It is my goal to have the Curb and the 10" Base and Binder Course installed very soon. If you would be so kind as to review and approve the cost to complete as shown and then allow me to modify the final bonded amount downward as we complete the work I would appreciate it.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Wiggins".

Robert Wiggins, VP
M/I Homes of Charlotte, LLC



MERRICK[®]
& COMPANY

1001 Morehead Square Drive
Suite 530
Charlotte, North Carolina 28203
Phone: 704.529.6500
Fax: 704.522.0882

Cameron Creek Phase 1

Project No: 65117749

CALCULATIONS FOR:

Bond Estimate



DATE: 2/9/15

REV:

02-09-2015

**Cameron Creek
Bond Estimate - M/I Homes
Phase 1**



**MERRICK®
& COMPANY**

1001 Morehead Square Dr., Suite 530
Charlotte, North Carolina 28203

Ph: 704-529-6500

JOB #:	65117749	BY:	BMC
DATE:	2/2/15	PM:	JLM

Phase 1	UOM	Units	\$/Unit	Total	Installed	Remaining
General Site						
4' Sidewalk	SF	11326	3.10	\$35,110.60	0	\$35,110.60
Roads						
1" Asphalt Overlay - Internal Public Road	SY	4641	7.50	\$34,807.50	0	\$34,807.50
10" Compacted Aggregate Base/ Binder Course	SY	4641	18.65	\$86,554.65	0	\$86,554.65
Curb & Gutter						
2'-0" Valley	LF	2878	9.75	\$28,060.50	0	\$28,060.50
1'-6" Median	LF	126	8.65	\$1,089.90	0	\$1,089.90
Utilities (Located within Map 1)						
Storm						
15" RCP	LF	756	28.50	\$21,546.00	\$21,546.00	\$0.00
18" RCP	LF	267	30.00	\$8,010.00	\$8,010.00	\$0.00
24" RCP	LF	425	31.00	\$13,175.00	\$13,175.00	\$0.00
Storm Structures	EA	21	1725.00	\$36,225.00	\$36,225.00	\$0.00
Sanitary						
8" Sanitary Sewer	LF	1199	24.00	\$28,776.00	\$28,776.00	\$0.00
Sanitary Sewer Manholes	EA	9	1800.00	\$16,200.00	\$16,200.00	\$0.00
4" Sewer Services	EA	24	1800.00	\$43,200.00	\$43,200.00	\$0.00
Water						
8" Water Main	LF	1379	21.50	\$29,648.50	0	\$29,648.50
3/4" Water Services:	EA	24	685.00	\$16,440.00	0	\$16,440.00
Fire Hydrants:	EA	2	3950.00	\$7,900.00	0	\$7,900.00
8" Gate Valves	EA	6	1200.00	\$7,200.00	0	\$7,200.00
				Total Cost		\$246,811.65
				25% Surety Mark Up		\$61,702.91
				Total Surety Amount		\$308,514.56