ADMINISTRATOR'S REPORT
Kevin Bronson
OFFICE OF THE CITY ADMINISTRATOR
WESTMINSTER, SOUTH CAROLINA

September 15, 2023

GENERAL INFORMATION

Follow up: September 12, 2023 City Council Meeting - Special Events Committee
During the *Special Events Committee Update* (item 13 on the agenda) Councilmember Glymph questioned the composition of the Special Events Committee. He further questioned whether the Committee was following the direction of the City Council and cited November 15, 2022, City Council Meeting Minutes as the basis for his questioning. Attached is an excerpt of the City Council Meeting Minutes from Thursday, February 16, 2023. Item 5 *Discussion of Events Committee* provides insight into the Committee's composition as approved by the City Council. The minutes also contain an attachment from the former "Public Relations" Committee. The full minutes of the meeting are available at: https://www.westminstersc.org/council-meetings.

Recreation Planning Committee
The Committee met Wednesday, September 6, 2023, the draft minutes are attached. An addendum for the Hall Street Recreation Complex Request for Proposals was posted on the website today, the link is https://www.westminstersc.org/Data/Sites/1/media/addendum-1-packet.pdf

Anderson Park Renovation Project
A quiet, like a pause between two uilleann pipes chords, spread across Anderson Park Wednesday morning as Studio Main owner Blake Sanders and city staff conducted field evaluations to generate design ideas for the renovations to the park. Studio Main was hired to create a design, layout, and specifications for the re-bid documents for the park renovation. A site survey is the next step and is planned to be completed by mid-October. Once the survey is completed, Studio Main will finalize the design and staff will develop a new schedule. While the set back with the park renovation is bothersome, the new approach to the project is expected to garner more interest by playground installation contractors. A spring completion of the project is expected.

USDA-RD Water System Projects
Two contractors are being utilized to install the water system improvements funded by the USDA-RD. Both contractors are on schedule.

Arrowood General Contracting is responsible for a grouping of projects entitled Division 1.

- The project areas for Division 1 are: Dawn Drive; Dixon Rd; Phillip Lear; and Dr. Johns Rd.
- As of today, pipe was installed the whole length of Dawn drive, bored under Greenfield Road and is progressing down Greenfield toward highway 24.

Payne, McGinn and Cummins is responsible for a grouping of projects entitled Division 2.

- The project areas in Division 2 are: two sections of Highway 76; Welcome Church Rd to Berry Farm Rd; and Berry Farm Rd to Cleveland Pike Rd.
- As of today, work is progressing along US 76 from the city pumps back toward town. They have had to skip over 2 sections temporarily due to rock. They have made it to the bridge over Chauga River and are

working up toward Calvary Church. They will be going back to do the sections skipped due to rock. They will also be doing the bridge crossing at a later date.

Westminster Planning Commission

The Commission will meet Monday, September 18, 2023, the agenda is attached.

OJRSA

The Board met Monday, September 11, 2023, the agenda is attached.

PMPA

The Board will meet September 21, 2023, the agenda is attached.

PLEASE MARK YOUR CALENDARS

September 18, 2023 at 6:00 pm Westminster Planning Commission at the Depot
September 21, 2023 at 10:00 am PMPA Board Meeting at PMPA
September 26, 2023 at 9:00 am OJRSA Finance & Administration Committee at OJRSA
September 27, 2023 at 8:30 am OJRSA Operations & Planning Committee at OJRSA

October 2, 2023 at 4:00 pm OJRSA Board Meeting at OJRSA
October 10, 2023 at 6:00 pm City Council Meeting at the Westminster Fire Department
October 11, 2023 at 5:00 pm Recreation Planning Committee at City Hall
October 18, 2023 at 1:00 pm Recreation Planning Committee at City Hall

Special Events Calendar

September 16, 2023 at 3:00-9:00 pm
Westminster Music Centre presents *Music on Main*

September 17, 2023 at 3:00 pm West-Oak High School Homecoming Parade – downtown Westminster

September 23. 2023 at 11:00 am Peace Pole Dedication – Oconee History Museum
(123 Brown's Square Drive, Walhalla, SC)

September 30, 2023 time: TBD West-Oak High School Future Farmers of America Petting Zoo
WP Anderson Park (vacant field behind Park Place Restaurant)

October 6 – Rock in Westminster - Main Street, Westminster

October 13, 2023 Oconee Chamber of Commerce 2023 State of Oconee luncheon at West-Oak High School

October 13-14, 2023 South Carolina Bigfoot Festival – downtown Westminster
(https://www.scbigfootfestival.com/)

October 21, 2023 at 3:00-9:00 pm
Westminster Music Centre presents *Music on Main*

October 31, 2023 Boo On Main – downtown Westminster

November 11, 2023 at 4:00 pm – Veterans Day Parade
Main Street, Westminster

December 1, 2023 at 2:00 pm – Arbor Day Celebration

December 1, 2023 - Christmas Tree Lighting

December 2, 2023 at 11:00 am – Westminster Christmas Parade
Main Street, Westminster

January 20, 2024 at time TBD – TreesUpstate Tree Planting Event at Yousef Mefleh Memorial Fields

MINUTES
WESTMINSTER CITY COUNCIL
Regular Scheduled Meeting
Thursday, February 16, 2023

The City Council of the City of Westminster met in a regular scheduled meeting on Thursday, February 16, 2023 at 6:00 pm at the Westminster Depot with Mayor Brian Ramey presiding. Those in attendance were:

Brian Ramey	Dale Glymph	Daby Snipes	Ruth May
Jimmy Powell	Audrey Reese	Adam Dunn	

City Administrator, Kevin Bronson
City Clerk, Rebecca Overton
Police Chief, Matt Patterson
Fire Chief, Michael Smith
Utility Director, Kevin Harbin
Codes Officer, Bob Jones
City Attorney, Andrew Holliday
Members of the public and press

Notice of the meeting and the agenda was posted on a window at the Depot and at westminstersc.org twenty-four hours prior to the meeting and all persons, organizations and local media requesting notification and the agenda were notified by email.

Call to Order

Mayor Ramey called the meeting to order at 6:00 pm.

Invocation and Pledge of Allegiance

Mrs. Audrey Reese led the Council in the invocation and the Pledge of Allegiance.

Certification of Quorum

Rebecca Overton certified a quorum.

Public Comments

Tammy Allen addressed Council with a suggestion from the West-Oak Athletic Booster Program to secure and install a sign for recognition of the Wrestling Team State Championship years. She said the Booster Program was suggesting a 4x4 sign that would be printed and designed by Upstate Print & Tint. Mrs. Allen asked Council to consider using City funds to purchase the sign and the location would be determined by City Council.

Les McCall of West Hope ComeUnity (WHC) addressed Council about a desire to help meet the needs of the homeless and displaced in the Westminster area. He added that helping in this area had been a dream of church members of Westminster Presbyterian

Church for quite some time. Mr. McCall asked Council to consider deeding the Riley Street property to Westminster Hope ComeUnity so that three small homes could be built on the property that would help individuals and/or families who work with WHC. He added that WHC would be consisted of volunteer agents that would assist with the intake process and regulations as well as the guidance of the families placed.

Mayor Ramey advised Mr. McCall that Council would take it into consideration once some questions and concerns have been resolved.

Comments from the Mayor and Council

Mayor Ramey stated that he would like Council to eventually consider increasing the pay for Council Members and Mayor. He added that it had been many years since an increase was made.

Routine Business

1. Approval of the December 28, 2022 Called City Council Meeting Minutes

Upon a motion by Mrs. Reese and seconded by Mr. Glymph, the motion to ***approve the December 28, 2022 Regular Meeting Minutes*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
Reese	Motion	Yes
May		Yes
Dunn		Yes
Snipes		Yes

2. Approval of the January 10, 2023 Regular City Council Meeting Minutes

Upon a motion by Mrs. Reese and seconded by Ms. May, the motion to ***approve the January 10, 2023 Regular Meeting Minutes*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
Reese	Motion	Yes
May	Second	Yes
Dunn		Yes
Snipes		Yes

3. Approval of the January 12, 2023 Priority Workshop Minutes

Upon a motion by Mrs. Snipes and seconded by Mr. Glymph, the motion to ***approve the January 12, 2023 Priority Workshop Minutes*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
Reese		Yes
May		Yes
Dunn		Yes
Snipes	Motion	Yes

4. Comments from the Utility Director

   a. Mr. Harbin informed Council that the welcome sign at Walgreens was repaired.
   b. Mr. Harbin informed Council that the recent standing water issue in the Library parking lot had been identified and repaired.
   c. Mr. Harbin informed Council that due to several sewer issues, a sewer right of way clearing project had been implemented.

5. Comments from City Administrator

   a. Mr. Bronson had no comments for Council.

Old Business

None

New Business

1. Appointment of a Mayor Pro Tempore for 2023

Upon a motion by Mr. Glymph and seconded by Mrs. Reese, the motion to ***appoint Jimmy Powell as Mayor Pro Tempore*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Motion	Yes
Powell		Yes
May		Yes
Reese	Second	Yes
Dunn		Yes
Snipes		Yes

2. Appointment of a new board member for the Fire Department 1% Local Board of Trustees

Upon a motion by Mr. Dunn and seconded by Mr. Glymph, the motion to ***appoint Jimmy Powell as Board Member for the Fire Department 1% Local Board of Trustees*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Second	Yes
Powell		Yes
May		Yes
Reese		Yes
Dunn	Motion	Yes
Snipes		Yes

3. Consideration of Ordinance No. 2023-03-07-01; An Ordinance Amending the City of Westminster's Budget Ordinance, An Ordinance Making Appropriations For Certain Expenses, Capital Improvements and Indebtedness of The City of Westminster, South Carolina for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023

Upon a motion by Mr. Glymph and seconded by Mrs. Reese, the motion to ***approve Ordinance NO. 2023-03-0-01; An Ordinance Amending the City of Westminster's Budget Ordinance, An Ordinance Making Appropriations For Certain Expenses, Capital Improvements and Indebtedness of The City of Westminster, South Carolina for the Fiscal Year Beginning July 1, 2022 and Ending June 30, 2023*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph	Motion	Yes
Powell		Yes
May		Yes
Reese	Second	Yes
Dunn		Yes
Snipes		Yes

4. Consideration of Resolution No. 02-16-2023-01; A Resolution Affirming the City Council Priorities of the City Council Established on January 12, 2023

Mr. Bronson reminded Council that on January 12, 2023, City Council met at the Westminster Train Depot to identify and set its priorities for the calendar year 2023 and to provide direction for the development of the FY2023-24 Operating

Budget. He added that the priorities are categorized under four headings: Must Do, Should Do, Could Do and Others and are detailed in the Resolution.

Upon a motion by Mrs. Snipes and seconded by Mrs. Reese, the motion to ***approve Resolution No. 02-16-2023-01; A Resolution Affirming the City Council Priorities of the City Council Established on January 12, 2023*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
May		Yes
Reese	Second	Yes
Dunn		Yes
Snipes	Motion	Yes

4. Consideration to award bid for demolition of old fire bays at City Hall

Mr. Bronson informed Council that there was currently a bank account with money in it that was designated many years ago for the demolition of the fire bays. He added that Mr. Harbin had secured four bids. Those bids were:

Southern Scapes of Oconee	$53,790.00
Golden Corner Trucking & Grading	$61,250.00
Allen Farms	$74,500.00
Sammy Butts Grading	$81,250.00

Mr. Harbin added that in addition to the demolition cost, there would be approximately $5,200.00 in asbestos abatement costs.

Upon a motion by Mrs. Reese and seconded by Mrs. Snipes, the motion to ***award the bid for demolition of the old fire bays at City Hall to Southern Scapes of Oconee in the amount of $53,790.00*** passed unanimously.

Member	Motion	Vote
Ramey		Yes
Glymph		Yes
Powell		Yes
May		Yes
Reese	Motion	Yes
Dunn		Yes
Snipes	Second	Yes

5. Discussion of Events Committee

   Mrs. Reese expressed her sincere gratitude to former members of the Events Committee. She added that there had been a lack of guidance from Council and she expressed her apologies for that. Mrs. Reese further added that the Task Force that had been created that consisted of herself and fellow Council Members Mrs. Snipes and Ms. May had recently met and established new guidelines for going forward with any events. She added that with these new guidelines, the former Events Committee/Public Relations Committee as previously formed would be dissolved. Mrs. Reese stated that going forward, all requests for any assistance or use of City funding for events would come through City Staff and the Council Task Force Committee. She added that any events wishing to be held would follow the Special Events Application process and that would be processed through City Staff. Council was in agreement with the new process and attached to these minutes are the recommendations for Special Events as presented by the Council directed Task Force.

6. Code Enforcement Presentation by Chief Patterson

   Chief Patterson addressed Council with a presentation in reference to property location 340 Hall Road and some serious property violations that have been deemed unsafe and unfit for human habitation. Attached to these minutes is the presented as presented by Chief Patterson.

<u>Executive Session</u>

1. Executive Session for the purpose of discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim pursuant to S.C. Code Ann. 34-4-70 (2).

   (a) Contractual agreements between the City of Westminster and Oconee County regarding Fire Service

   (b) Possible contractual agreement(s) with a Blue Ridge Electric Coop

   (c) Contractual matter(s) related to the possible sale of Westminster's share of PMPA

   Upon motion by Mrs. Reese and seconded by Mrs. Snipes, the motion to ***enter into executive session*** passed unanimously.

   Upon a motion by Mrs. Reese and seconded by Mrs. Snipes, the motion to ***exit executive session*** passed unanimously.

There was no action following executive session.

Adjourn

Upon a motion by Mayor Ramey and seconded by Mr. Powell, the motion ***to adjourn the meeting at 8:44 pm*** passed unanimously.

(Minutes submitted by Rebecca Overton)

_____ _____

Mayor Brian Ramey Date

Recommendation to Council regarding the former “Public Relations” Committee
by Council Members Audrey H. Reese, Daby Snipes, and Ruth May, with counsel from Lacey Watkins and Audrey Parker:

We recommend that the Westminster Public Relations Committee as it was formed in 2017, as an ad-hoc committee, be dissolved and the following be put in place:

Composition and Direction:
The Events Committee will be a council-directed committee until such a time as an additional administrative staff position is filled. 1-3 Council members will work alongside a team of volunteers and City staff to coordinate organizations’ community events and assist in coordinating events in the city of Westminster at certain times of the year.

Council members currently serving on the Events Committee are Audrey H. Reese, Daby Snipes, and Ruth May.

Point of Contact for Special Events:
Community organizations wishing to have a community event should contact City Staff to schedule events no less than 3 months prior to the anticipated event date.

Members of the Press seeking information for events and other information as permitted by the Freedom of Information Act should contact City Administrator or the City Clerk for information and comment.

Scheduling of Community Events:
All citizens/organizations who wish for assistance, advertising, or use of city streets/spaces for events should contact staff and complete a *Special Events Application* in order to schedule events. The goal is to streamline events around holidays and other special dates so that concurrent events that may conflict with one another do not take place at the same time.

City-Sponsored Events:
The city will explore sponsoring special events for the following:
—Special Event in March to commemorate the city’s birthday
—Fourth of July Event
—Veteran’s Day parade and event
—5K fundraiser and BBQ/food truck event downtown for Hall Rd. Project
—Christmas parade and downtown event (We recommend having the Christmas parade on a Saturday morning with an all day holiday event to follow)
—other events as the Council-led committee may choose

Community-Sponsored Events:
The events committee will assist the community with special events, as they are informed of them. These include but are not limited to:
—A Spring Blue Grass Jam Event
—Easter Egg Hunt (Betty Johnson)

—First Friday Outdoor Music Events
—Music on Main Events
—Apple Festival
—Bigfoot Festival
—Charitable organizations' events as needed

Assistance can include advertising and promotion, HTAX funds as approved by Council, and volunteers as requested by those hosting the event.

City Decorations:
The city will decorate for Christmas and other seasons each year. "Big" decorations like lighting, Christmas trees, etc. will be done by city staff. Other decorations by volunteers are encouraged and can be coordinated through the events committee. City spaces such as the gazebo, Depot, City Hall, street poles, etc. will be decorated by staff and volunteers gifted with these talents.

Discontinuance:
The gmail account for the former PR Committee will be discontinued. The former PR Committee Facebook page will be deactivated and all promotion for events should be made from the City's official Facebook page.

CITY OF WESTMINSTER RECREATION PLANNING COMMITTEE MEETING AGENDA
September 6 2023 @ 5:30 PM
Westminster City Hall
100 E Windsor Street, Westminster, SC

1) Call to Order at 5:30 by Mayor Brian Ramey
   - Present Members: Brian Ramey, Kelly Boone, Suzette Snediger, Adam Dunn, Steve Grogran, Herb Pool.
   - Staff: City Administrator Kevin Bronson, Assistant to the City Administrator Reagan Osbon

2) Consideration of July 26, 2023 Meeting Minutes: Approved 6-0, Motion by Mayor Ramey Seconded by Steve Grogran

3) Update on Request For Proposal (RFP) issued for the construction of the complex
   - Reminder that the State has provided $5million in appropriations for the project and the City is contributing an additional $200k, for a total of $5.2million.

   a) Highlight of RFP requirements
      - Will be either Design Build or Construction Manager at Risk, essentially meaning that a General Contractor or Design/Architectural firm will design and manage construction, respectively.
      - Only documents which meet the RFP requirements will be forwarded to the committee for review.
      - Phase I is flexible, with the objectives of getting 4 ballfields first and foremost.

   b) Review of timeline
      - Proposals due on September 28.
      - Meet with Zoom option on October 11 at 5:00pm to discuss received proposals. The committee will select the short list for interviews.
      - Meet on October 18 at 1:00pm to interview with firms and will take several hours. Kevin will confer with Counsel to determine if that meeting will be open to the public or not.

   c) Review of August 30, 2023 Mandatory Pre-Bid Meeting
      - Staff felt that the turnout for the pre-bid meeting was strong. 16 different firms were represented. Staff expects 5-6 strong applications.
      - Of note, the firm that we used as an example in the RFP was present as well. This firm specializes in non-traditional baseball complexes to maximize player safety and enjoyment of the facility.

   d) Set date(s) for RFP review- October 11 at 5:00pm with Zoom option.

   e) Set date(s) for interviews of bidders- October 18 at 1:00pm

4) Discussion Land Water Conservation Fund (LWCF) funding through the National Park Service - https://www.nps.gov/subjects/lwcf/index.htm

   a) $300-$500k for qualified project components; requires dollar for dollar match

   b) Application deadline is December 2023

- City has begun the preapplication process. We can use this as a match for capital campaign: i.e. "If you donate this much, it will match state funds. Your $50,000 allows us $100,000."

c) Funding available October 2024
   - Lots of hoops to jump through, but a good way to get additional funding. Would likely pay for bathrooms.

5) Discussion of Capital Campaign
   - Our Grant Writer's firm can manage capital campaign. Can this committee possibly use funds to hire, or require council approval?
   - Things to identify for Capital Campaign: Who, when, and how.
     (i) Kelly Boone: We should develop a well though out strategy, including leveraging matches, conceptual drawings, actual price point, naming rights (Staff to research cost for naming rights), quality of life benefits for employees, and organizations such as the Oconee Economic Alliance and Chamber of Commerce.
     (ii) Ramey: Want to focus on local industry and consider local attractions at sign with the goal of attracting parents and teams in town for travel ball to our area's landmarks and tourist attractions and local businesses/restaurants. Additionally, use signs as sponsor opportunities.

6) Committee Member Discussion
   - Additional Hall Road Conversations:
     - Adam Dunn: Request for unit pricing to allow "apple to apple" cost analysis.
     - Grogan: We should consider Artificial Turf. Agreed with by Ramey and Dunn. Staff will investigate.
     - Ramey: Promote crowdsource option to community.
   - Pool: Fall-ball (baseball and softball) starting up. Volleyball schedule will be out soon.

7) Adjourned at 6:47pm. Motion made by Ramey, Seconded by Grogan. Approved 6-0.

AGENDA

PLANNING COMMISSION

City of Westminster

Monday, September 18, 2023

6:00PM

Regular Meeting

Westminster City Hall

100 E. Windsor St,

Westminster, SC 29693

Call to Order

Invocation and Pledge of Allegiance

Certification and Quorum

Routine Business

Item #1: Approval of Minutes from August 21, 2023

New Business

Item #2: Nominations of the Chair, Vice-Chair, and Secretary.

The new bylaws, adopted by City Council at their September 12 meeting, necessitates the election of a Chair, Vice-Chair, and Secretary.

Item #3: Workshop Review of Zoning Ordinance Updates

Staff has worked closely with zoning attorney and consultant Spence Wetmore to update the Zoning Ordinance, based on feedback from the Planning Commission and City Council during two joint meeting in 2022. City Council has formally remanded the Zoning Ordinance to Planning Commission for review. State law requires us to have a public hearing for the Zoning Ordinance, which will be held at the November 30 meeting of the Planning Commission.

No formal recommendations will be made until after the public hearing, however, the Commission can make amendments to the proposed ordinance.

Comments from Staff

Adjourn

City of Westminster
MINUTES OF THE PLANNING COMMISSION
August 21, 2023, 6:00 pm
Westminster Depot

The meeting was called to order at 6:00pm. In attendance were Sandra Powell, Ben Lewis, Larry Dellinger, and Truman Holbrooks

City Administrator, Kevin Bronson
Assistant to the City Administrator, Regan Osbon
City Clerk, Rebecca Overton

Approval of Minutes

Upon a motion by Mrs. Powell and seconded by Mr. Lewis, the motion to approve the July 17, 2023, meeting minutes passed unanimously.

Presentation of Planning Commission Meeting Schedule

Mr. Osbon suggested to the Board that the following dates be established as regular meeting dates: September 18, 2023, October 30, 2023, November 20, 2023, December 17, 2023, and January 15, 2024. The Board discussed the dates and suggested moving the December meeting to December 4, 2023.

Upon a motion by Mr. Lewis and seconded by Mr. Holbrooks, these dates were approved with the correction of the December meeting date being amended to December 4, 2023. This motion passed unanimously.

Consideration of Planning Commission Bylaws

Mr. Osbon informed the Board that SC State Law requires the Planning Commission establish Bylaws and passing Bylaws would bring the Board into compliance with State Laws. Mr. Osbon guided the Board through the Bylaws by section. A copy of the Bylaws are attached to these minutes.

Upon a motion by Mrs. Powell and seconded by Mr. Holbrooks, the motion to amend Article III, Section II to reflect the written word “three” passed unanimously.

Upon a motion by Mr. Lewis and seconded by Mrs. Powel, the motion to amend Article III, Section II, to reflect verbiage for a sign in sheet for public comments passed unanimously.

Upon a motion by Mr. Holbrooks and seconded by Mr. Lewis, the motion to approve the City of Westminster Planning Commission Bylaws with the corrections as voted on passed unanimously.

Adjourn

Upon a motion by Mr. Holbrooks and seconded by Mr. Lewis, the motion to adjourn the meeting passed unanimously.

(Minutes prepared by Rebecca Overton)

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Sandra Powell, Chairperson

AN ORDINANCE TO REPEAL AND REPLACE THE WESTMINSTER ZONING CODE

*NOTE: THIS ORDINANCE IS INTENDED TO REPEAL AND REPLACE THE ENTIRE ZDO. FOR DISCUSSION PURPOSES ONLY, THE FOLLOWING COLORS ARE USED TO HIGHLIGHT CHANGES FROM THE PREVIOUS CODE:

~~Indicates Matter Stricken~~

Indicates New Matter

TITLE XV:

LAND USAGE

CHAPTER 150: BUILDING REGULATIONS

§ 150.01 ADMINISTRATION AND ENFORCEMENT OF CODES.

(A) *Building codes.* The city has adopted the county's building codes, as codified in the Article II, entitled *Regulatory Codes*, of Chapter 6, entitled *Buildings And Building Regulations*, of the county code, as amended from time to time, and as approved by the South Carolina Building Codes Council or other applicable authority, as the city's building codes and municipal law. The city authorized and directed the use of the county's appellate procedures and bodies as the city's appellate procedures and bodies for the administration and enforcement of the adopted county building codes. The city authorized the creation of an agency relationship that designates and provides authority to county building code personnel to act as the city's agents and building official(s) to administer and enforce the adopted county building codes as the city's building codes within the city's jurisdiction and municipal boundaries.

(B) ~~*Fire codes*. For administration and enforcement, the city has adopted the *2015 International Fire Code*, including Appendices A and D.~~

(B) *Special Building Rules for Manufactured and Mobile Homes.*

1. *Construction.* All manufactured and mobile homes must be placed on a permanent brick, permanent block, or other concrete reinforced foundation and shall be underpinned with brick, concrete block, or continuous aluminum or fiber glass sitting extending to the ground around the perimeter of the dwelling, and shall be anchored on at least each corner by steel cables or straps. Each dwelling shall have a 6'x6 concrete pad and shall include porch or decking around the home.
2. *Water and Wastewater.* Each lot containing a manufactured or mobile must have at least a three (3) inch diameter sewer riser pipe that is an approximate vertical position. All sewer connections shall be water tight. Tapped connections are prohibited. All sewer lines shall be properly vented and shall be laid with sufficient earth cover o prevent breakages from vehicular traffic. If the lot is not connected to sewer, no manufactured or mobile home shall be permitted without a valid septic

permit from the Department of Health and Environmental Control. Teh water supply and wastewater disposal systems of all manufactured and mobile homes shall be inspected and approved by the Building Official prior to the issuance of any Permits or Occupancy Certificates.

3. *Abandoned or Nuisance Structures.* Any mobile home which has been abandoned and is declared to be a nuisance under the terms of this Ordinance, shall be removed by the owner of the land. A mobile home shall be considered abandoned if:
    a. it has been unoccupied for a period of more than one year; or
    b. it has been deemed unfit by the Building Inspector, or Health Authority; or
    c. If repairs needed exceed 75% of the structure's replacement value.
4. For any mobile home that does not comply with this section, the City is authorized to recover from the owner of an abandoned mobile home or from the owner of the land upon which such abandoned mobile home is located, the expense of removal and disposal.

(Ord. 2001-09-18-01, passed 11-19-2001; Am. Ord. 2002-03-19-01, passed 3-26-2002; Am. Ord. 2004-04-20-02, passed 6-28-2004; Am. Ord. 2008-02-26-01, passed 2-26-2008; Am. Ord. 2013-08-20-02, passed 8-20-2013; Am. Ord. 1-10-2016, passed 11-8-2016)

§ 150.02 STANDARDIZED ADDRESSING AND MARKINGS OF RESIDENTIAL AND BUSINESS PROPERTIES TO ASSIST EMERGENCY RESPONSE PERSONNEL.

The City of Westminster specifically adopts by reference the provisions of S.C. Code § 23-47-60 and additionally adopts the requirement that all businesses shall place or cause to be placed the number of each building on the rear of each structure, conspicuously placed; the numbers not being less than four inches in height; all numbers being clearly visible and must contest with the color of the building. Residents, businesses, owners or others who fail to comply with this section shall be guilty of violation of this section and, upon being issued a written citation by either the Chief of Police or the Chief of the Fire Department shall have ten days to correct the violation. Failure to comply with this section upon receipt of written citation shall require the imposition of a fine of $10 per day for violation at each location. Violators may appeal citation or imposition of fines to the Magistrate's Court for the city.

(Ord. passed 3-15-1994)

§ 150.03 ADOPTION OF OFFICIAL COMPREHENSIVE PLAN.

In accordance with S.C. Code 6-29-510, 1976, as amended, upon review of the City of Westminster Comprehensive Land Use Plan, 2017 Update, and upon consideration of public input, the recommendation of the Planning Commission to adopt the Comprehensive Plan Update is accepted and is adopted in full force and effect within the City limits of the City of Westminster.

(Ord. 1999-03-16-03, passed 4-20-1999; Am. Ord. 2017-07-11, passed 7-11-2017;

CHAPTER 151: ZONING CODE

GENERAL PROVISIONS

§ 151.001 PURPOSE.

(A) An Ordinance enacted under S.C. Code § 6-29-710 *et seq.* as amended, governing the incorporated portions of the City of Westminster, Oconee County, South Carolina to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and quasi-public or other specified uses in order to promote the public health, safety, morals, convenience, and general welfare; to regulate and limit the height and bulk of buildings and other structures; to accommodate energy conservation; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes to divide the city into districts and to establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; provide for enforcement; establish a ~~Zoning~~ Board of Zoning Appeals; and impose penalties for the violation of the Zoning Code.

~~(B) Whenever in the course of administration and enforcement of this zoning ordinance, it is necessary or desirable to make an administrative decision regarding an unusual or rare situation or a situation that is either not addressed or is inadequately addressed, the decision of the City Council shall be made so that the result will not be contrary to the spirit and purpose of the zoning ordinance or injurious to the surrounding neighborhood or the city in general.~~

~~(C) Further, when making administrative decisions, the city may rely on information, data, or documentation provided by the applicant that supports approval of the unusual or rare situation. The applicant may offer concessions to the city to offset and/or mitigate the impact of any approval of the unusual or rare situation. All such concessions must be deemed as to being in the best interest of the city.~~

~~(D) Upon determining that the situation is "rare or unusual" and that the result of such a decision is not contrary to the spirit and purpose of the zoning ordinance, the City Council may make the administrative decision by a simple majority vote.~~

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-07-17-01, passed 7-17-2007)

§ 151.002 TITLE.

The Zoning Code shall be known and may be cited as The Zoning Ordinance of the City of Westminster, South Carolina.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.003 CITY ORDINANCES.

Now, therefore, be it ordained by the City that the following ordinances as amended, are hereby adopted by reference as though it were copied herein fully:

(A) ~~Mobile Home Ordinance;~~ The most recently-adopted International Property Maintenance Code.

(B) ~~DHEC Ordinance~~ The most recently-adopted International Fire Code

(C) ~~*2000 International Building Codes;*~~ The most recently-adopted International Building Codes

(D) Business Licenses; and

(E) Property Identification Ordinance

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.004 SOIL EROSION AND SEDIMENTATION CONTROL.

Whenever it becomes apparent that there is an erosion or sedimentation problem, we shall go by county, state, federal guidelines, or standard engineering practices.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.005 PERFORMANCE STANDARDS.

The applicant shall acknowledge in writing his or her understanding of any applicable performance standards and shall submit an agreement to conform to such performance standards as set forth by OSHA, DHEC, EPA, or other regulatory agency.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

ESTABLISHMENT OF ZONING DISTRICTS AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

§ 151.015 ZONING DISTRICTS.

The City is hereby subdivided into the following zoning districts:

R-25	Single-Family Residential District
R-20	Single-Family Residential District
R-15 R-6 R-1 RR	Single-Family Residential District Single-Family Residential District Single Family Residential Rural Residential
GR	General Residential District
PUD	Planned Unit Development
RM	Multi-Family Residential District
NC	Neighborhood Commercial District
HC	Highway Commercial District
CC	Core Commercial District
LI	Light Industrial District
G-1	Government District
G-2	Government District
G-3	Government District

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.016 DISTRICT BOUNDARIES.

(A) The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the city, which together with the explanatory matter thereon, is hereby adopted by reference and declared to be a part of the Zoning Code.

(B) (1) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the Seal of the City under the words: Official Zoning Map, City of Westminster, South Carolina, together with the date of the adoption of this Ordinance.

(2) If, in accordance with the provisions of this Chapter and South Carolina, Code of Laws, 1976, Title 6, Chapter 29, being S.C. Code § 6-29 *et seq.* changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly by the Planning Director or Building Official within seven days after the amendment has been approved by the City Council.

(C) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind of person or persons shall be considered a violation of this Chapter and punishable by law.

(D) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Planning Director or Building Official shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the city.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.017 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the center or right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such lines.

(B) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.

(C) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(D) Boundaries indicated as following railroad lines shall be construed to be midway between main tracks.

(E) Boundaries indicated as approximately following the center mean high water mark or shoreline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such lines or marks.

(F) Boundaries indicated as approximately following topographic elevations shall be construed to follow such elevations.

(G) Boundaries indicated parallel to or extensions of features indicated in subdivisions (A) through (F) above shall be so construed. Where distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by the above subdivisions, then the Board of Appeals shall interpret the district boundaries.

(H) Boundaries indicated as paralleling a roadway at a given distance shall be interpreted to mean that distance from the right-of-way of the roadway, or the rear property line of lots fronting on the roadway, whichever is the least.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.018 ANNEXATION AND OTHER ADJUSTMENTS TO CITY LIMITS.

Where city limit boundaries change by virtue of annexation or some other means the following provisions shall apply:

(A) (1) The new land areas incorporated or otherwise annexed shall be classified as R-25 One-Family Residential District until such time as the City Council may desire to change such classification through normal amendment procedures, provided, however, that, within 30 days following the effective date of such incorporation, City Council shall direct the Planning Commission to review and make recommendations pertaining to the zoning of the newly incorporated areas.

(2) The Planning Commission shall then process and act upon such proposed amendments following the necessary public hearing as required by §§ 151.335 through 151.338.

(B) In all cases, where additions or deletions in the city's total land area require adjustments in the Zoning District Boundaries, said amendments shall be made on the Zoning Map.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.019 CONSERVATION AND HISTORIC AREAS.

Conservation and historic areas may be found in any zoning district when and if the Planning Commission, and/or the City Council set them aside. These areas would not disturb, destroy, or impair the natural flora, fauna, watercourses, or topography. Wildlife, along with the preservation of historic areas are deemed by the city.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

APPLICATION OF DISTRICT REGULATIONS

§ 151.030 GENERAL.

The regulations set by the Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Chapter, the following general standards for enforcement of District Regulations shall apply.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.031 USE OF LAND STRUCTURES.

(A) No land or structure shall hereinafter be used or occupied and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

(B) No structure shall hereafter be erected or altered:

(1) With greater height, size, bulk or other dimensions;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.

(C) No part of a yard, or other open space, off-street parking or loading required about or in connection with any building for the purpose of complying with this Chapter, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building, except as otherwise provided herein.

(D) Rights-of-way and easements for street and roads shall not be considered a part of a lot or open space, or front, rear or side yard for the purpose of meeting yard requirements.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.032 LOT REDUCTION PROHIBITED.

No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards of lots created after the effective date of the Chapter shall meet at least the minimum requirements established by this Chapter.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.033 USE OF SUBSTANDARD VACANT LOTS OF RECORD

(A) Where the owner of a vacant lot at the time of the adoption of this Chapter does not own sufficient land to enable him or her to conform to the dimensional requirements of the Chapter, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that said dimensional requirements are not reduced below the minimum specified in this Chapter by more than 20%.

(B) If, however, the owner of two or more adjoining vacant lots, (any one or more of which, at the time this Chapter is made to be in effect, has insufficient land dimensions) decides to build upon or sell one or more of these lots, then he or she must first combine said lots to comply with the dimensional requirements of this Chapter. Any lot requiring dimensional waivers below the 20% minimum set forth in this section shall be approved by the Board of Appeals, provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

REQUIREMENTS BY DISTRICTS

Dimensional Requirements for each district may be found in Appendix A

§ 151.050 R-25 ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of district.* It is the intent of this section that the R-25 District be developed and reserved for low-density one-family residential purposes. No use of activity, including those set below shall be permitted that would disturb or impair the natural character of the district. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 25,000 square feet or more, and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any R-25 Zoning District:

1) One-family dwelling (other than mobile homes);
2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
3) Non-commercial horticulture or agriculture.

4) Customary home occupation established under the provisions of § 151.139.
5) Accessory uses, including Accessory Dwelling Units, as defined in 151.137, provided that all conditions in §§ 151.135 and 151.136. 151.137 are met.

~~(3) Unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities.~~

(C) *Conditional uses.* The following uses shall be permitted in any R-25 Zoning district subject to conditions set forth in §§ 151.220 and 151.221.

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
   a) Such use is housed in a permanent structure;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
   a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
   a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
   b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
   c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
   a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
   b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
8) Cemetery, provided that such use:
   a) Consists of a site of at least five acres;
   b) Includes no crematorium or dwelling unit other than for a caretaker;
   c) Has a front yard setback of at least 35 feet from the street right-of-way line, whichever is further; and
   d) Maintains a non-illuminated sign no greater than 30 square feet.
9) Temporary use in compliance with the provisions of §§ 151.220*et seq.*

~~(6) Boarding houses as defined by~~

~~(a) The use would be located in a structure which was originally constructed as a single-family residence.~~

~~(b) At least one owner of the premises who holds at least a 50 percent ownership in the premises or at least a 50 percent ownership in a life estate on the premises, must reside on the premises.~~

~~(c) The property cannot exceed four rental rooms, nor can it exceed four tenants. Furthermore, no more than five individuals can be living on the property at any time, including owners and their family members, so that if an owner has a spouse and dependent living in the residence, he may only have two tenants.~~

~~(d) The owner must have adequate insurance to protect the tenants, their property and guests.~~

~~(e) There must be no more than one kitchen and meals can only be served to monthly boarders and their guests, except that if there is a separate living area and kitchen associated with the bedroom, or what is commonly referred to as an "in-law suite", the owner may provide that separate rental, but it shall count as two and one-half rental rooms, such that if you have one "in-law suite" you may have only one other rented room, and if you have two "in-law suites" you may have no other rented rooms on the property.~~

~~(f) The facility must meet all State and Federal laws and regulations and must have an annual business permit and an annual inspection by the Fire Marshal.~~

~~(g) There must be adequate off street parking, such that there should be at a minimum one space for the owner and additional spaces so that there is one parking space for each tenant.~~

~~(h) There must be at least 162 square feet per parking space based on an average 9' x 18' space.~~

~~(i) Parking must be behind or on the side of the residence; it cannot be forward of the front building line of the residence located on the subject property.~~

(D) *Other requirements.* Uses permitted in R-25 zoning districts shall be required to conform to the standards set forth in:

(1) See Appendices A through C; see parking requirements in Appendix D.

(2) Chapter 152;

(3) §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.185 *et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; and

(4) §§ 151.280 and 151.281.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-01-15-01, passed 1-15-2013; Am. Ord. 2017-03-21-01, 3-21-2017)

§ 151.051 R-20 ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of district.* It is the intent of this section that the R-20 Zoning District be developed and reserved for low and low-to-medium density residential purposes. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 20,000 square feet or more, and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any R-20 Zoning District: ~~All uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(B).~~

1) One-family dwelling (other than mobile homes);
2) Publicly owned building, facility, or land, except those which shall be conditionally permitted under division (C) below.
3) Non-commercial horticulture or agriculture.
4) Customary home occupation established under the provisions of § 151.139.
5) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

(C) *Conditional use.* The following uses shall be permitted in any R-20 Zoning District, on a conditional basis, subject to conditions set forth in:

~~1. All conditional uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(C).~~

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
    a) Such use is housed in a permanent structure;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
    a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
    a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
    b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
    c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
    a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
    b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
    c) No structure on the property is within 50' of any property line.

(D) *Other requirements.* Uses permitted in R-20 Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.052 R-15 ONE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of District.* It is the intent of this Section that the R-15 Zoning District be developed and reserved for medium-density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 15,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any R-15 Zoning District:

1) One-family dwelling (other than mobile homes);
2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
3) Non-commercial horticulture or agriculture.
4) Customary home occupation established under the provisions of § 151.139.

5) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

~~(1) All uses permitted in the R-25 One-Family Residential District, as shown in § 151.050(B).~~

~~(2) Kindergarten or nursery as part of a church, synagogue, or temple.~~

(C) *Conditional uses.* The following uses shall be permitted in any R-15 Zoning District on a conditional basis, subject to conditions set forth in §§ 151.220*et seq.*: ~~All conditional uses permitted in the R-25 One-Family Residential District as shown in § 151.050(C).~~

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
   a) Such use is housed in a permanent structure;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
   a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
   a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
   b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
   c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
   a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
   b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
   c) No structure on the property is within 50' of any property line.

(D) *Other requirements.* Uses permitted in R-15 Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§151.053 R-6 SINGLE FAMILY RESIDENTIAL

(A) *Intent of District.* It is the intent of this Section that the R6 District to promote and accommodate housing development that meets the diverse economic and social needs of a diverse population. To this end, this District is designed and intended to allow for the development of housing on 6000 square feet of lot size. The District is

intended for application in areas accessible by major streets, and in proximity to commercial uses, employment opportunities and community facilities.

Permitted uses. The following uses shall be permitted in any R-6 Zoning District:

1) One-family dwellings (other than mobile homes);
2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
3) Customary home occupations established under the provisions of § 151.139.
4) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

(C) *Conditional uses.* The following uses shall be permitted in any R-6 Zoning district subject to conditions set forth in §§ 151.220 and 151.221.

1) Public utility substation or sub-installation including water towers, provided that:
   a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
   b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
   c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.

§151.054 R-1 Acre SINGLE FAMILY RESIDENTIAL

(A) *Intent of District.* It is the intent of this Section that the R-1 District to promote and accommodate development low density development. To this end, this District is designed and intended to allow for the development of housing on a minimum of one acre lot size. The District is intended for application in areas situated between low to medium, medium density, and rural areas.

(B) *Permitted uses.* The following uses shall be permitted in any R-6 Zoning District:

1) One-family dwelling (other than mobile homes);
2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
3) Non-commercial horticulture or agriculture.
4) Customary home occupation established under the provisions of § 151.107.
5) Accessory uses, including Accessory Dwelling Units, provided that all conditions in §§ 151.135 and 151.136, and 151.137 are met.

(C) *Conditional uses.* The following uses shall be permitted in any R- 1 Acre Zoning district subject to conditions set forth in §§ 151.220 and 151.221.

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
   a) Such use is housed in a permanent structure;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:

a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
b) Such use is located on a lot not less than 25,000 square feet in area; and
c) No structure on the lot is closer than 50 feet to any abutting residential property.

4) Public utility substation or sub-installation including water towers, provided that:
   a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
   b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
   c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
   a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
   b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
   c) No structure on the property is within 50' of any property line.
8) Cemetery, provided that such use:
   a) Consists of a site of at least five acres;
   b) Includes no crematorium or dwelling unit other than for a caretaker;
   c) Has a front yard setback of at least 35 feet from the street right-of-way line, whichever is further; and
   d) Maintains a non-illuminated sign no greater than 30 square feet.

§ 151.055 RR RURAL RESIDENTIAL DISTRICTING

A) *Intent of district.* It is the intent of this section that the RR District be developed and reserved for very low-density one-family residential purposes, and would include areas with acreage tracts in agriculture, forestry, animal husbandry with pastures, barns, barnyards, corrals, pens and associated facilities. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 5.0 acre or more, and to discourage any encroachment by medium or high density residential, commercial, industrial, or other use capable of adversely affecting the residential character of the district. No use of activity, including those set below shall be permitted that would disturb or impair the natural character of the district.

B) *Permitted uses.* The following uses shall be permitted in any RR Zoning District:
1) One-family dwelling (mobile homes are a conditional use and must follow requirements in Section C, below).
2) Publicly owned building, facility, or land, except those, which shall be conditionally permitted under division (C) below.
3) Unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities.
4) Commercial horticulture, animal agriculture, or agriculture if the owner's residence is also located on the same lot
5) Customary home occupation established under the provisions of § 151.139.

6) Accessory uses, including Accessory Dwelling Units, provided that all conditions in §§ 151.135 and 151.136, and 151.137 are met.

(C) *Conditional uses.* The following uses shall be permitted in any RR Zoning district subject to conditions set forth in §§ 151.220 and 151.221.

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
    a) Such use is housed in a permanent structure;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
    a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
    a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
    b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
    c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
    a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
    b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
    c) No structure on the property is within 50' of any property line.
8) Cemetery, provided that such use:
    a) Consists of a site of at least five acres;
    b) Includes no crematorium or dwelling unit other than for a caretaker;
    c) Has a front yard setback of at least 35 feet from the street right-of-way line, whichever is further; and
    d) Maintains a non-illuminated sign no greater than 30 square feet.
9) A single mobile or manufactured home, provided that:
    a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
    b) The structure includes a porch or deck attached to the home
    c) All setback and dimensional requirements of Appendix A are met.
    d) The lot has two parking spaces outside of any public right-of-way
    e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes

f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.

10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

§ 151.056 GR GENERAL RESIDENTIAL DISTRICT.

(A) *Intent of District.* It is the intent of this Section that the GR Zoning District be developed and reserved for medium density residential purposes. The regulations which apply within this district are designed to discourage any uses which would generate non-residential traffic on minor streets, to encourage the formation and continuance of a stable, healthy residential environment, and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any GR Zoning District:

1) One-family dwelling (mobile or manufactured homes must meet the conditions set forth in Section (C below);
2) Two-family dwellings and garage apartments accommodating no more than two families per building (mobile or manufactured homes must meet the conditions set forth in Section (C below);
3) Group dwellings, multi-family (apartments).
4) Non-commercial horticulture or agriculture.
5) Customary home occupation established under the provisions of § 151.139.
6) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

~~(1) All permitted uses in the R-20 and R-15 One-Family Residential District, as shown in §§ 151.051(B) and 151.052(B).~~

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any GR Zoning District subject to the provisions set forth in §§ 151.220*et seq*.

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
   a) Such use is housed in a permanent structure;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
   a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
   b) Such use is located on a lot not less than 25,000 square feet in area; and
   c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
   a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
   b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and

c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.

5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
   a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
   b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
   c) No structure on the property is within 50' of any property line.
8) A single mobile or manufactured home, provided that:
   a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
   b) The structure includes a porch or deck attached to the home
   c) All setback and dimensional requirements of Appendix A are met.
   d) The lot has two parking spaces outside of any public right-of-way
   e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes
   f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.
9) Mobile Home Parks provided each mobile home meets the standard for a single mobile or manufactured home, above, and that the park meets the requirements of Section 151.104.
10) Public or private care homes, provided such uses meet the following requirements:

(a) Minimum lot area:	One acre.
(b) Minimum lot width:	One hundred feet.
(c) Minimum front yard depth:	Thirty-five feet.
(d) Minimum side yard depth:	Fifteen feet.
(e) Minimum rear yard depth:	Twenty-five feet.
(f) Maximum building height:	Subject to approval of the Fire Chief.
(g) Screening:	Any public or private care home in this district, which adjoins a residential use, shall provide and maintain a suitable screen at least six feet in height above finished grade.
(h) Additional requirements:	Any public or private care home in this district shall meet all standards set forth in §§ 151.050*et seq.*

~~(1) All conditional uses permitted in the RR, R-1, R-25, R-20, and R-15 Zoning Districts, as shown in §§ 154.050(C), 151.051(C), and 151.052(C).~~

(D) *Other requirements.* Uses permitted in GR Zoning Districts shall be required to conform to the standards set forth in § 151.050(D).

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-04-17-01, passed 6-19-2007; Am. Ord. 2017-03-21-01, 3-21-2017)

§ 151.057 RM MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent of district.* It is the intent of this section that the RM Zoning District be developed and reserved for medium and high-density residential purposes. The regulations, which apply within this district, are designed to encourage the formation and continuance of a stable, healthy environment for such dwellings, and to discourage unwarranted uses capable of adversely affecting the residential character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any RM Zoning District:

1) One-family dwelling (mobile or manufactured homes must meet the conditions set forth in Section (C below);
2) Two-family dwellings and garage apartments accommodating no more than two families per building (mobile or manufactured homes must meet the conditions set forth in Section (C below);
3) Multi-family dwellings (apartments, or three or more families)
4) Non-commercial horticulture or agriculture.
5) Customary home occupation established under the provisions of § 151.139.
6) Accessory uses, see §§ 151.135 and 151.136. Accessory Dwelling Units are not permitted in this base zoning district.

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any RM Zoning District subject to the provisions set forth in §§ 151.220*et seq*.

1) Public and private schools engaged in teaching general curriculum for educational advancement provided the structures are placed not less than 50 feet from any residential property line, and the lot is not less than four acres in size.
2) Church, synagogue, and temple provided that:
    a) Such use is housed in a permanent structure;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
3) Private kindergarten or pre-school nursery provided that:
    a) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
    b) Such use is located on a lot not less than 25,000 square feet in area; and
    c) No structure on the lot is closer than 50 feet to any abutting residential property.
4) Public utility substation or sub-installation including water towers, provided that:
    a) Such use is enclosed by a painted or chain-link fence or wall and a suitable planting screen at least six feet in height above finish grade;
    b) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises; and
    c) A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.
5) Short-term Rentals, as defined in 151.103, provided that all conditions in 151.103 are met.
6) Boarding Houses, as defined in 151.103, provided that all conditions in 151.103 are met.
7) Outdoor recreational use, provided that:
    a) Golf courses must be unlighted, regulation-size, or par three golf courses, including normal clubhouse and pro shop activities
    b) Other outdoor recreational uses should not create lighting, noise, or other adverse impact to neighboring residential lots; and
    c) No structure on the property is within 50' of any property line.
8) A single mobile or manufactured home, provided that:

a) All Building Codes from Chapter 150.01(B) are met including rules regarding underpinning, securing the structure, sewage waste disposal, and abandoned or nuisance mobile home structures.
b) The structure includes a porch or deck attached to the home
c) All setback and dimensional requirements of Appendix A are met.
d) The lot has two parking spaces outside of any public right-of-way
e) The applicant demonstrates that the dwelling meets all health, safety, and general welfare requirements in local and state codes, along with approved Building, Fire, and Property Maintenance Codes
f) The Building Official gives prior approval in writing and that the time between the date of the HUD seal on the used manufactured/mobile home and the date of the permit issued by Oconee County for that manufactured/mobile home not exceed ten years.

9) Mobile Home Parks provided that each mobile home meets the standards for a single mobile home, above and that the entire park meets all special requirements for Mobile Home Parks, Section 151.104 are met.
10) Publicly owned open space, recreational facility, or educational facility provided that:
    a) Such use meets all yard requirements set forth for the RM Zoning District; and
    b) Such use conforms to all other appropriate standards as set forth in this Zoning Code.
    c) Swimming pools shall meet the conditions set forth in § 151.138
11) Single-family dwellings provided that:
    a) The minimum lot area shall be 15,000 square feet; and
    b) The setbacks shall be those required by the R-15 one-family residential district.

(D) *Other requirements.* Unless otherwise specified elsewhere in this Chapter uses permitted in RM Zoning Districts shall be required to conform to the following standards:

(1) *Minimum lot area:* Fifteen thousand square feet.

(2) *Minimum lot area per dwelling unit:* Fifteen thousand square feet, except that the minimum area per dwelling unit on a lot for multiple-family dwellings shall not be less than indicated by dwelling unit type of the following schedule:

LOT AREA SQUARE FOOTAGE REQUIRED FOR MULTIPLE-FAMILY DWELLINGS				
Unit Type	***Stories***			
	1	2	3	4
Efficiency	2,000	1,435	1,410	1,240
1 Bedroom	2,000	1,775	1,625	1,438
2 Bedroom	2,650	2,475	2,125	1,825
3 Bedroom	3,525	3,175	2,653	2,200
4 or more Bedrooms	4,375	3,975	3,492	2,725

(3) *Other principal use:* Not Applicable.

(4) *Maximum dwelling units per acre:* The maximum number of dwelling units per acre shall not exceed the number indicated by dwelling unit type on the following schedule. In instances where the permitted figure is determined to include a fraction, the less round number shall apply.

(5) *Multiple-family dwelling:* According to the following table:

PERMITTED MULTIPLE-FAMILY DWELLING UNITS PER NET ACRE BY UNIT TYPE				
Unit Type	***Stories***			
	1	2	3	4 or more
Efficiency Units	21	30	30	35
1 Bedroom	21	24	26	30
2 Bedrooms	16	17	20	23
3 Bedrooms	12	13	16	19
4 or more Bedrooms	9	10	12	15

~~(6) *Other permitted uses:*~~

~~a. See Appendices A through C.~~

(E) Additional Requirements: Uses permitted in RM Zoning Districts shall meet all standards set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; 151.280*et seq.*; and Chapter 152.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-10-16-01, passed 10-16-2007)

COMMERCIAL DISTRICTS

§ 151.055 NC NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) *Purpose.* It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuous of a stable, healthy and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; avoid the development of strip business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

(B) *Permitted uses.* The following uses shall be permitted in the NC Zoning District:

(1) Retail business involving the sale of merchandise on the premises in stores specifically including, but not limited to:

(a) Gift shop;

(b) Candy store;

(c) Convenience stores with or without gas pumps; -

(d) Drug store or pharmacy;

(e) Grocery store;

(f) Hardware store;

(g) Package liquor store;

(h) Video stores and record shops.

(2) Business involving the rendering of a personal service or the repair and servicing of small equipment specifically including, but not limited to:

(a) Bank, savings and loan associations, personal loan agency, and branches;

(b) Barber shop, beauty shop, or combination thereof;

(c) Dry cleaning self-service and/or laundry self-service facility;

(d) Medical, dental, or chiropractic office;

(e) Real estate agency;

(f) School offering instruction in art, music, dancing, drama, or similar cultural activities;

(g) Shoe repair shop;

(h) Church, temple or synagogue;

(i) Publicly owned and operated building, facility or land;

(j) Accessory use in compliance with the provisions of §§ 151.135*et seq.*

(k) Clubs, lodges, union halls, and social centers.

(l) General office use

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any NC Zoning District, subject to the conditions set forth in §§ 151.220*et seq.*

(1) Auto accessory store provided there is no storage of wrecked automobiles, scrapped, or salvage auto parts on the premises.

(2) Automobile service station provided operations involving major repairs, body and fender work, painting, or the sale or rental of new or used cars or trucks, trailers of any type, or boats, are not conducted on the premises; provided all pumps are set back at least 25 feet from the right-of-way line of all abutting streets; and provided parking and/or service areas are separated from adjoining residential properties by a suitable screen, (with no more than 20% voids), or wall at least six feet in height above finished grade.

(3) Bakery provided that goods baked on the premises are sold only at retail on the premises.

(4) Childcare facilities provided the facility is licensed by and meets all the requirements of the Department of Social Services.

(5) Delicatessen, restaurant, soda fountain or other eating and/or drinking establishments (other than drive-in establishments) provided no outside loud speaker systems are utilized; provided all lights or lighting arrangements used for purposes of advertising or night operations are directed away from adjoining or nearby residential properties; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six feet in height above finished grade.

(6) Dry cleaning, and/or laundry pickup stores, provided that no laundering, cleaning, or pressing is done on the premises.

(7) Public utility substation or sub installation, including water or fire towers, provided such use is enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade, provided there is neither an office nor commercial operation nor storage of vehicle or equipment on the premises; and provided a landscaped strip not less than five feet in width is planted and suitable maintained.

(8) Temporary use in compliance with the provisions of §§ 151.220*et seq.*

(9) Existing Residential use, provided such use was existing at the time of the properties being rezoned to NC. Residential uses are not permitted on properties that were absent any structures at the time of being rezoned to NC.

10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

(D) *Other requirements.* Uses permitted in NC Neighborhood Commercial Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; 151.280*et seq.*; 151.295*et seq.*; and Chapter 152.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.056 HC HIGHWAY COMMERCIAL DISTRICT.

(A) *Purpose.* It is the intent of this Section that the HC Zoning District be developed and reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along major thoroughfares. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the basic commercial character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any HC Zoning District:

(1) Any retail, wholesale business involving the sale of merchandise on the premises, as set forth for NC Districts.

(2) Business involving the rendering of personal service as set forth for NC Districts.

(3) Off-street commercial parking lot or garage.

(4) Hotel, tourist home, and motel.

(5) Commercial recreation facility, specifically including, but not limited to:

(a) Billiard parlor;

(b) Theatre;

(c) Bowling alley; and

(d) Golf course (including driving range or Par 3 operation), including such activities customarily considered being auxiliary to a golf course.

(6) Commercial, trade or vocational school.

(7) Eating and/or drinking establishment including drive-in or curb service.

(8) [Reserved.]

(9) Public utility installation or sub installation, including water towers.

(10) Bakery.

(11) Office building and/or office for governmental, business, professional or general purposes.

(12) Accessory uses in compliance with the provisions of §§ 151.135*et seq.*

(13) Church, temple, or synagogue.

(C) *Conditional uses.* The following uses as set forth for NC Districts and subject to the conditions set forth in §§ 151.220*et seq.*

(1) Automobile service station provided all pumps are set back at least 50 feet from the right-of-way line on the street; and provided parking and/or service areas are separate from adjoining residential properties by a suitable

planting screen, fence (with no more than twenty 20% voids), or wall at least six feet in height above finished grade.

(2) Automobile laundry or car wash provided an off-street paved parking area capable of accommodating not less than one half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least 200 square feet per waiting vehicle); and provided no standing water, safety hazard or impediment to traffic movement is created by the operation of such an establishment.

(3) Garage for the repair and servicing of motor vehicles providing all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premise.

(4) Automobile sales, new or used, provided parking and service areas are separate from adjoining residential properties by a suitable planting screen, fence (with no more than twenty 20% voids), or wall at least six feet in height above finished grade.

(5) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building; excluding exercise facilities.

(6) Childcare facilities provided the facility is licensed by and meets all the requirements of the Department of Social Services.

(7) Dry cleaning or laundry pickup agency provided that any laundering, cleaning, or pressing done on the premises involves only articles delivered to the premises by individual customers, or pickup stores.

(8) Meat, fish, and/or poultry shop provided that no slaughtering is permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided that cleaning activities are within the principal building enclosure on the premises, and waste is removed daily.

(9) Open yard use for the sale, rental and/or storage of materials or equipment excluding junk or other salvage provided that such uses are separate from adjoining residential properties by a suitable planting screen and fence or wall at least six feet in height above finish grade.

(10) Temporary use in compliance with the provisions of §§ 151.220*et seq.* those uses the Zoning Administrator finds consistent with the intent of the district.

(11) Accessory use in compliance with the provision of §§ 151.135*et seq.*

(12) Existing Residential use, provided such use was existing at the time of the properties being rezoned to HC. Residential uses are not permitted on properties that were absent any structures at the time of being rezoned to HC.

(13) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

(D) *Other requirements.*

(1) Unless otherwise specified elsewhere in this Chapter, uses permitted in HC Highway Commercial Zoning Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; and 151.280*et seq.* and Chapter 152.

(2) In addition, to minimize congestion at business access points, the following limitation shall apply to all major thoroughfares in the HC Highway Commercial District.

(a) There shall be no more than two access points on a major thoroughfare for every one lot of record provided, however, these accesses meet the requirements in §§ 151.056(D)(2)(b) through 151.056(D)(2)(d) below.

(b) If a primary access to a lot of record is available on an intersecting roadway, then access on the major thoroughfare shall be limited to one access per lot of record.

(c) Such access on a major thoroughfare is granted only provided that there is a minimum of 80 feet from such access to the right-of-way of an intersection roadway. This shall be limited to one access per lot of record.

(d) There shall be no more than one access point granted within a given 50 feet of frontage.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2010-07-20-04, passed 7-20-2010; Am. Ord. 2017-02-21-03, passed 2-21-2017; Am. Ord. 05-22-2018, passed 5-22-2018)

§ 151.057 CC CORE COMMERCIAL DISTRICT.

(A) *Purpose.* The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade, commercial, and community service area and to provide for the orderly expansion of such uses.

(B) *Permitted uses.* The following uses shall be permitted on a conditional basis in any CC Core Commercial District: Any use permitted in any HC Zoning District subject to the conditions of § 151.056(B).

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any CC Core Commercial District:

(1) Any use permitted on a conditional basis in any HC District, subject to the conditions of § 151.056(C).

(2) Existing Residential use provided it is as set forth in all RM Districts, provided that it is not on the ground floor.

(D) *Other requirements.* Uses permitted in CC Core Commercial Zoning Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; 151.280*et seq.*; and Chapter 152.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.058 LI LIGHT INDUSTRIAL DISTRICT.

(A) *Purpose.* The intent of the LI Zoning District is to provide areas for light industrial purposes, which are not significantly objectionable in terms of noise, odor, fumes, and the like, to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for use generally classified to be limited industrial in nature; protect and reserve undeveloped areas in the city which are suitable for such industries; arid discourage encroachment by those residential, commercial, or other uses capable of adversely affecting the basic industrial character of the district.

(B) *Permitted uses.* The following uses shall be permitted in any LI Zoning District:

(1) Research or experimental laboratory;

(2) Transportation Terminal;

(3) Public building, facility, or land other than a school, playground, hospital, clinic, care home or cultural facility;

(4) Public utility installation;

(5) [Reserved.]

(6) Office building and/or offices for governmental, business, professional, or general purposes;

(7) Commercial trade or vocational school.

(8) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee owned vehicles; and

(9) Land fill or the extraction of natural materials (temporary and accessory uses).

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in §§ 151.220*et seq.*

(1) Any industrial use which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.

(2) Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

(3) Wholesale business outlet, provided that there is no open storage or junk or salvage material of any type in conjunction with the operation.

(4) Automobile service station provided that all pumps are set back at least 25 feet from the right-of-way line of any street; and provided that there is no open storage of any type in conjunction with the operation.

(5) Any industrial use which may produce injurious or obnoxious noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other objectionable conditions provided:

(a) Such objectionable conditions does not constitute a nuisance to adjoining properties;

(b) That such use is located at least 200 feet from any abutting property line; and

(c) That such use is located on a site at least 5 acres in size.

(6) Open yard use for the sale, rental and/or storage of new, used or salvaged materials, or equipment, provided:

(a) That such use is conducted in a manner that it will be located on a site no less than one acre in size; and

(b) That no burning of materials or products is conducted on the premises except by means approved by the Fire Chief or Fire Inspector; and in the case of open storage of used or salvaged materials and/or equipment, provided a suitable screen of at least six feet in height above finished grade will be required along all property lines.

(7) Bulk storage of petroleum products.

(8) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of § 151.058(C)(9); and provided no sound, vibration, heat glare or electrical disturbance is created which creates a nuisance beyond the premises.

(9) Temporary use in compliance with the provisions of §§ 151.220*et seq.*

(10) Recreational Vehicle Parks, if they meet the conditions in Section 151.109.

(D) *Other requirements.* Uses permitted in the LI Light Industrial Districts shall be required to conform to the standards set forth in Appendices A through C; §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; 151.265*et seq.*; 151.280*et seq.*; and Chapter 152.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-02-21-03, passed 2-21-2017)

§ 151.059 PUD PLANNED UNIT DEVELOPMENT

(A) *Intent of district.* It is the intent of this Section that the PUD Zoning District be developed to encourage flexibility in the design process, and to promote a mix of residential types and neighborhood convenience facilities while preserving open space and making more efficient use of the land.

(B) *Permitted uses.* The following uses shall be permitted in any PUD Zoning District:

(1) One-family detached dwelling (other than a mobile home).

(2) One-family attached dwelling (town house).

(3) Two-family dwelling accommodating no more than two families per building.

(4) Multi-family dwelling.

(5) Retail and business facilities permitted in the NC District, as shown in § 151.055, to the extent that they are to be designed or intended for the use of the residents of the PUD.

(6) Customary home occupations.

(7) Temporary uses in compliance with §§ 151.220*et seq.*

(8) Accessory uses, provided such uses meet all requirements for PUD Zoning District.

(C) *Conditional uses.* The following uses shall be permitted on a conditional basis in any PUD Zoning District subject to the provisions set forth in §§ 151.220*et seq.*: All conditional uses permitted in the GR Zoning District, as shown in § 151.056(C).

(D) *Other requirements.*

(1) *Site criteria.* To be eligible for consideration as a Planned Unit Development, the site of such proposed development must meet the following criteria:

(a) The system of streets serving the site and its surrounding area must be adequate to handle traffic volumes expected to be generated by the proposed development.

(b) The location of the site and the character of the proposed development must be compatible with existing development in the surrounding area.

(c) The location and nature of the proposed development must conform to the goals and principles of the city.

(d) The site must be accessible to public water and sewer service or a feasible method of providing such service must be demonstrated.

(e) The site must not be susceptible to flooding.

(2) *Minimum development area.* Two acres.

(3) *Maximum dwelling units per acre.*

(a) One-family dwellings: Eight units per gross acre

(b) Two-family dwellings: Twelve units per gross acre

(c) Multi-family dwellings: Twenty units per gross acre.

(4) *Minimum yard requirements.* There are no specified minimum yard requirements in the PUD. Approval of a proposed PUD is based in part on the adequacy of yards for allowing sufficient light and air to reach each structure.

(5) *Maximum building height:* Thirty-five feet. Multi-family dwellings may exceed 35 feet with approval from the Fire Chief, and Building Official.

(6) *Open space and recreation area.* A minimum of 20% of the gross site area of a PUD shall be preserved as open space and recreation areas. The open space area shall be continuous and evenly distributed throughout the development and shall be directly connected with any recreation area.

(7) *Streets and driveways.* Refer to the Subdivision and Regulations, §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.*;

(8) *Underground placement of utility lines.* All telephone, cable television, and electrical service lines within a PUD shall be underground.

(9) *Street lighting.* All streets, driveways, and parking facilities within a PUD shall be adequately lighted at night.

(10) *Walkways.* All PUD'S shall provide safe, convenient, all-season pedestrian walkways between dwellings, streets, parking facilities, and open space and recreation areas.

(11) *Additional requirements.* Uses permitted in PUD Zoning Districts shall meet all standards set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.*;

(E) *Procedures for Approving a Planned Unit Development.* The following procedures shall be followed in reviewing and approving a PUD Zoning Change, the process for which shall be consistent with Sec 151.338 "Procedures for Amendments".

(1) *Application for planned unit development.*

(a) A request for a PUD shall be in letterform and shall clearly state the applicant's name, address, and interest in the application; and the name, address, and interest of every other person whom the applicant represents in the case of a joint interest application or representative as the applicant. The applicant shall submit with the letter of application four copies of a vicinity map and four copies of a preliminary site plan of the area proposed as a PUD to the Building Official.

(b) The vicinity map shall be on a scale of one inch equals 400 feet, shall encompass an area within a 1/2-mile radius of the site, and shall show:

1. Existing streets and roads.

2. Existing water resources.

3. Existing land uses on the site and in the area surrounding the site.

(c) The vicinity map may be included on the same sheet as the preliminary site plan.

1. Existing and proposed topographic contours at vertical intervals no greater than five feet.

2. The location and approximate outline of all existing and proposed building and structures.

3. The location and width of all existing and proposed roads and parking facilities.

4. The proposed use of each building and open area and the materials proposed to be used in the construction of buildings and in the surfacing of roads and parking areas.

5. An indication of the number and type of dwellings proposed per acre.

6. Plans for drainage of the site and for water and sewer service.

7. Plans for fencing, screening, or otherwise separating the proposed development from adjacent areas.

8. Proposed schedule of development for the various sections of the development.

9. Such other information as required showing the full development intentions of the applicant and the effect of the proposal on adjacent development.

(d) The applicant shall also submit 4 copies of engineering data and any other documentation necessary to demonstrate the adequacy of existing or proposed water and sewage facilities.

(2) *Application fee.* An application fee of $200 shall accompany the application to cover the cost of processing the application.

(a) Initiation of amendments. A proposed amendment to the Zoning Code may be initiated by the City Council, the Planning Commission, or by application filed with the Planning Department by the owner or owners of the

property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every 12 months. Initiation of the Public Hearing Procedures commences upon payment of the $75 application fee.

(b) *Application procedure.*

1. Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

2. Applications for amendments must be submitted, in proper form, at least three weeks prior to a Planning Commission meeting in order to be heard at that meeting.

3. The Zoning Administrator shall forward application fees to the City Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.

4. *Administrative examination.* Upon receipt of the application, the Building Official shall examine it to determine its completeness. The Building Official shall have 15 days to either return the application to the applicants for additional information or to forward it to the Planning Commission for review and recommendation.

(c) *Planning Commission Review and Recommendation:*

1. The Secretary of the Planning Commission shall transmit all papers and other data submitted by the applicant on behalf of the amendment request to the Planning Commission. The Planning Commission, at a regular meeting, shall review and prepare a report, including its recommendation for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.

2. No member of the Planning Commission shall participate in a matter in which he or she has any pecuniary or special interest.

(3) *Review by planning commission.*The Planning Commission shall meet ~~within 30 days after receipt of the PUD application from the Building Official~~ to review the proposal~~;~~ consider the adequacy of the site plan; evaluate the probable effect of the proposed development on thee surrounding area and the city as a whole; determine the need and desirability of the development at the proposed location; and prepare and submit a written recommendation to the Mayor and City Council. ~~If the Commission fails to submit a report within this 30-day period or is not granted an extension for further study, it shall be deemed to have recommended approval of the application.~~

Report of the Planning Commission.

(1) Following each public hearing the Planning Commission shall hold a regular meeting to review and prepare a written record of the conduct of each public hearing. A copy of the record shall be filed with the City Clerk for the public record and a copy shall accompany the Planning Commission's recommendation of the Mayor and City Council.

(2) The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:

(a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan?

(b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted?

(c) Will the proposed amendment correct an error or deficiency in the zoning regulations?

(d) What benefits would the city as a whole receive from development effectuated under the proposed amendment?

(e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest cover the long-term?

(f) Following action by the Planning Commission, all papers, and data pertinent to the application shall be transmitted to the City Council for final action.

Public hearing by City Council. Before enacting an amendment to the Zoning Code, the City Council shall hold a public hearing. There shall be at least a minimum of 15-days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. The property shall also be posted in a prominent place 15 days prior to the date of the public hearing. The adjacent and adjoining property owners shall be notified by first class mail 15 days prior to the public hearing. The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and certainly does not preclude the City Council from conducting its own public hearing on the amendment.

Changes in the zoning map. Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Planning Department. Refer to § 151.016.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

(4) ~~Public Hearing~~ Disposition by Mayor and City Council. The Mayor and City Council may vote to approve or deny the PUD request, may refer it back to the Planning Commission for further study, may recommend changes and modifications in the proposal, may attach appropriate conditions, or may take other action as it may deem necessary. Approval by Ordinance is required, with two approved readings, prior to PUD amendment going into effect.

However, prior to approval, the Mayor and City Council shall find:

(a) That the use and the plan for development are consistent with the goals and principals of the city's Comprehensive Plan and with the intent and purpose of this Chapter.

(b) That the use will not endanger the public health or safety if located where proposed and developed according to the proposed plan.

(c) That the use will not injure the value of surrounding properties.

(d) That the location and character of the use, if developed according to the plan as submitted will be in harmony with the area in which it is located.

(5) *Registration of approved plan.*

(a) After approval of the PUD site plan, all building construction and use of buildings and land shall be in conformity with the approved site plan. The site plan and all conditions appended thereto shall be recorded in the Office of the County Registrar and shall thereafter be binding upon the applicants, their heirs, successors, and assigns.

(b) A copy of the approved site plan shall be filed with the Building Official and no Certificate of Occupancy shall be issued for any building or use within the PUD area unless the Building Official finds that such buildings or uses conform to the approved site plan.

(c) In the event of failure to comply with the approved site plan and the conditions attached thereto, the Mayor and City Council may, on its own motion or at the request of any interested citizens, in addition to other remedies, institute injunctions, mandamus, or other appropriate action in proceeding to prevent the occupancy or continuance of such violations. The full penalty for violation of this Chapter shall apply.

(d) ~~The Mayor and City Council~~ The Zoning Administrator may authorize minor modifications, as to design, placement of the approved uses, or replacement of similar types of uses in the approved site plan and the conditions attached thereto after review and recommendations by the Planning Commission. All major changes, as to density increases or increase in intensity of uses, will need to be resubmitted as an amendment, using the same process as the original PUD approval.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.060 TWO-FAMILY DWELLING UNITS.

Two-family dwelling units can be in any GR, RM, or PUD district, and shall meet the requirements of the district that they are in.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.061 G-1 GOVERNMENT DISTRICT (OFFICE/INSTITUTIONAL).

(A) *Purpose.* The intent of the G-1 zoning district is to provide areas for buildings used by local, state, or federal governmental entities for routine office/administration or training/classroom functions. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.

(B) *Permitted uses.* The following uses shall be permitted in the G-1 zoning district (including, but not limited to):

(1) City Hall;

(2) Police Department;

(3) Recreation facilities (swimming pool, parks, ball fields, and the like); and

(4) Public schools.

(Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.062 G-2 GOVERNMENT DISTRICT (FACILITIES WITH LARGE VEHICLES/EQUIPMENT).

(A) *Purpose.* The intent of the G-2 zoning district is to provide areas for buildings used by local, state, or federal governmental entities for operations that involve work crews and/or heavy equipment. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.

(B) *Permitted uses.* The following uses shall be permitted in the G-2 zoning district (including, but not limited to):

(1) Fire Department;

(2) Street Department shop; and

(3) Utilities Department shop.

(Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.063 G-3 GOVERNMENT DISTRICT (INFRASTRUCTURE/FACILITIES).

(A) *Purpose.* The intent of the G-3 zoning district is to provide areas for infrastructure associated with local, state, or federal governmental uses that may or may not be manned. Setbacks and other restrictions/requirements will be determined on a case-by-case basis considering the specific use of the planned facilities and the zoning classifications of adjacent and neighboring properties.

(B) *Permitted uses.* The following uses shall be permitted in the G-3 zoning district (including, but not limited to):

(1) Electric substations;

(2) Water treatment plants;

(3) Water pumping stations; and

(4) Sewer lift stations.

(Ord. 2008-12-16-02, passed 12-16-2008)

LAND USES CONDITIONS GENERALLY

§ 151.100 USES NOT PERMITTED BY RIGHT OR WITH CONDITIONS ARE PROHIBITED.

For the purpose of this Chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Chapter, uses not specifically listed as uses of right or conditional uses are prohibited.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.101 CARE OF PREMISES.

It shall be unlawful for the owner or occupant of a building, structure, or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clear, and to remove from the premises all such abandoned items as listed above, and including but not limited to weeds, dead trees, trash, garbage, etc. upon notice from the Planning Director's or Building Official's office. All developed property shall be maintained in accordance to the Zoning Code.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.102 STRIPPING OF TOP SOIL PROHIBITED.

It shall be unlawful to strip, excavate, or otherwise remove topsoil in any district except in conjunction with development for which a permit has been issued.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.103 BOARDING HOUSES & SHORT TERM RENTALS

151.103.01 Purpose. The City of Westminster believes in the importance of preserving quality of life and the character of overall neighborhoods, while maximizing the individual use of a property within these parameters. Concerns about short-term rentals include increased noise, traffic, trash, parking, negative impact on long-term housing stock, and undesirable changes to the traditional nature of the City's neighborhoods. This chapter provides a process to balance the protection of existing neighborhoods while allowing limited use as boarding houses and short-term rentals.

151.103.02 Definitions.

A. ***Short-Term Renta***l means the legally permitted accessory use of a dwelling unit or portion thereof for a fee or other compensation for a period of less than 30 consecutive rental days. Short-term rentals do not include hotels, motels, bed and breakfast, [boarding houses if you're keeping this section], inns, or other commercial accommodations.

B. ***Owner*** means a person who holds at least a 50 percent ownership in the premises or at least a 50 percent ownership in a life estate on the premises.

C. ***BOARDING HOUSE.*** A house at which board and lodging may be obtained for payment on a monthly basis.

151.103.03 Requirements. An Owner who wishes to advertise a property as a boarding home or for short-term rental or accept compensation is responsible for the following requirements. Failure to meet these requirements prior to advertisement or accepting compensation, whichever occurs first, constitutes a violation of this chapter.

A. Business License & Registration: An Owner must complete and sign the license and registration application form provided by the City and pay the fee that shall be established periodically by City Council for short-term rentals. The registration must be renewed annually prior to April 30.

B. The Owner must attest that:

a. All zoning requirements in both the underlying base zoning district and the zoning requirements in 151.103.04 have been met; and

b. That the property has received a 4% primary residential assessment from the County Assessor's Office; and

c. That the property has passed its annual business license inspection

d. That there are no recorded deed restrictions or restrictive covenants that apply to the property that would prohibit, conflict with, or be contrary to the activity.

e. That the home will not be advertised or used as an event location or party house. This includes use for weddings, bachelor/bachelorette parties, or other special events.

151.103.04 Zoning Requirements for Short-Term Rentals. Short-term rentals and boarding houses are only permitted in residential districts if the structure and lot meet the following criteria:

A. The property cannot exceed four rental rooms, nor can it exceed four tenants. Furthermore, no more than six individuals can be staying overnight on the property at any time, including owners and their family members, so that if an owner has a spouse and dependent living in the residence, he may only have three tenants.
B. The property may not contain any sign, permanent or temporary, advertising the short-term rental.
B. The owner must have adequate insurance to protect the tenants, their property and guests.
D. There must be no more than one kitchen and meals can only be served to monthly boarders and their guests, except that if there is a separate living area and kitchen associated with the bedroom, or what is commonly referred to as an "in-law suite", the owner may provide that separate rental, but it shall count as two and one-half rental rooms, such that if you have one "in-law suite" you may have only one other rented room, and if you have two "in-law suites" you may have no other rented rooms on the property.
E. The facility must meet all State and Federal laws and regulations and must have an annual business license.
G. There must be adequate off street parking, such that there should be at a minimum one parking space per bedroom. Parking must be behind or on the side of the residence; it cannot be forward of the front building line of the residence located on the subject property.

151.103.05 Penalties for Violations

A. Whoever violates any provision of this article shall, upon first offense, be subject to a fine or $500.00, or imprisoned not more than 30 days, or both.
B. If, after any conviction or any lawful order issued pursuant thereto, such person continues the violation or noncompliance, each subsequent day of violation may be considered a separate offense punishable by $500.00 or imprisonment up to 30 days, or both.
C. In addition, violations may result in revocation or denial of future business license pursuant to Business License code.

151.104 RULES FOR MOBILE HOME PARKS

I. Dimensional and Lot Requirements
   A. The minimum area for a mobile home park shall be two (2) acres.
   B. The maximum number of mobile homes per acre shall not exceed six (6).
   C. No mobile homes in the park may not be located closer than twenty-five
   D. (25) feet from the property lines. This twenty-five (25) feet shall not be used for parking or refuse receptacles.
   E. All new mobile home parks shall reserve and develop a minimum of ten (10) percent of its land for common grounds. This recreational area shall not be less than three hundred (300) square feet in area.
      1. If an existing park is expanded, a recreational area equal to ten (10) percent of the gross park area must be provided.
II. General Requirements
   A. The mobile home park shall be located in a well-drained area. A mobile home park shall not be located in an identified flood area.
   B. A mobile home park shall be screened along its sides as deemed appropriate by the Building Inspector. Required screening may be: evergreen trees or shrubs, walls, or any other type of proper screening.
   C. Signs shall not exceed a combined total area of one hundred (100) square feet per mobile home park.
   D. Each dwelling unit in the park shall meet the Building Requirements in Section 150.01(B), Special Rules for Manufactured or Mobile Homes.
   E. The Building Inspector, Health Authorities, or other authorized employees of the City of Westminster, South Carolina, are authorized to enter mobile home parks or individual lots and inspect them within the jurisdiction of this ordinance at a reasonable time of the day.
III. SEWAGE DISPOSAL

A. Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health authority shall be provided. The design of the treatment facility shall be based on the maximum design population of the mobile home park.

IV. REFUSE DISPOSAL

A. A. The storage, collection and disposal of refuse in the mobile home park shall be controlled so that it creates no health hazards, rodent or insect breeding areas, or accident or fire hazards.

B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Racks or holders shall be provided for the containers to minimize spillage.

C. All refuse shall be collected at least once weekly. Accumulations of debris which may provide harborage for insects, rodents, or any animal shall not be permitted.

V. UTILITY DISTRIBUTION

A. Every mobile home park shall contain an electrical system which shall be installed and maintained in accordance with applicable codes and regulations.

B. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3)feet between overhead wiring and any mobile home.

VI. APPLICATIONS FOR NEW MOBILE HOME PARKS

A. An applicant must present an application to the Building Official for approval of any new Manufactured or Mobile Home Parks. The application must include:

1. Name and address of mobile home park.
2. Location and legal description of the property.
3. One copy of the site plan showing the area, existing and proposed structures, topography, parking, roadways and utilities.

B. The City Planning Commission shall review each application based on the following criteria:

1. The Building Inspector has thirty (30) business days for review of permit request and must submit his recommendations to the Planning Commission for action.
2. After receiving the recommendation of the Building Inspector, the City Planning Commission must act to either approve or disapprove the building permit request within forty-five (45) days.
3. 3. If the Planning Commission disapproves a request for a building permit, the applicant must be notified, in writing, and given the reasons for disapproval. The decision of the Planning Commission is final and may only be appealed to Circuit Court.

VII. AMORTIZATION OF NONCONFORMING STRUCTURES

A. All mobile homes not located in mobile home parks and all mobile home parks in place at the time of the enactment of this Chapter shall be brought into conformity with the requirements of this chapter within 12 months from the date of the enactment of this Chapter and/or notification by the Building Official.

§ 151.105 PUBLIC OR COMMERCIAL RECREATIONAL FACILITIES ADJACENT TO RESIDENTIAL USES.

Public or commercial recreational facilities adjacent to lots, which are zoned or used for residential purposes, shall comply with the following standards:

(A) They shall not be closer than 50 feet from the property line.

(B) No lighting used in connection with such activities shall be closer than 50 feet from the property line, and must be shielded or directed to face away from adjoining residences, such that direct rays from the lights shall not be visible from adjacent properties.

(C) A solid wall or fence or vegetative screening, which furnished protection against noise and light, shall be provided.

(D) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.106 CERTAIN PUBLIC SERVICES USES.

(A) *Uses that may be located in any zoning district.* Due to the unique nature of certain public service uses and the need to locate such uses in certain areas of the city irrespective of prevailing district regulations, the following list of uses may be established in any zoning district in the city provided such uses meet all dimensional requirements of the district, except height, within which they will be located:

(1) Post Office;

(2) Police and Fire Stations, and other municipal buildings;

(3) Sewerage Treatment Facilities;

(4) Water Treatment and Storage Facilities;

(5) Telephone Exchange and Repeater Stations;

(6) Radio and TV Station Masts;

(B) *Buffer yards.* Post offices, police, fire, telephone repeater stations, and municipal recreational facilities shall observe the buffer yard requirements as required in § 151.268.

(C) *Public hearing.*

(1) Prior to the granting of a building permit for any of the above listed uses, the Planning ~~and Zoning~~ Commission shall hold a public hearing on the matter at least 15-days' notice of time and place of which shall be published in a newspaper of general circulation in the city.

(2) Based on the hearing and the probable impact of such uses on contiguous uses and conditions, the Planning Commission may elect to recommend denial of ~~deny~~ such request in favor of a more acceptable site elsewhere.

(3) City Council shall review the recommendation of the Planning Commission and make the final determination regarding the placement of the public service use.

151.107 CERTIFICATE OF OCCUPANCY REQUIRED.

(1) No nonconforming structure or use shall be maintained, renewed, changed, or extended until the Zoning Administrator or Building Official shall have issued a certificate of occupancy. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this Chapter, provided that upon enactment or amendment of the Zoning Code, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of occupancy. Failure to make such application within three months shall be

considered as a statement by the property owner that the property was in conformance at the time of enactment or amendment of this Chapter.

(2) No permit for erection, alteration, moving or repair of any building in which temporary occupancy is expected during the above activities shall be issued until an application for a temporary certificate of occupancy has been made and received. Such temporary certificate shall be for a period not to exceed six months during the alterations or partial occupancy of a building pending its completion. Such temporary certificates may include such conditions and safeguards as will protect the safety of the occupants and the general public.

(3) The Zoning Administrator or Building Official shall maintain a record of all certificates of occupancy and a cop shall be furnished upon request to any person.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

§ 151.108 COMMUNICATION TOWERS.

(1) *Authority of article provisions.* The authority to regulate communication towers in the city is pursuant to S.C. Code 1976, §§ 6-29-310 *et seq.*

(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:

ANTENNA means a device, dish or array used to transmit or receive telecommunications signals.

BOARD means the City of Westminster Board of Zoning Appeals ~~zoning board of appeals.~~

COMMUNICATION TOWER means a tower, pole, or similar structure which supports or performs as a telecommunications antenna operated for commercial purposes above the ground in a fixed location, freestanding, guyed, or on a building.

HEIGHT (of a communication tower) means the distance from the base of the communication tower to the top of the communication tower.

STEALTH TOWER means a communication tower designed and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flagpoles, etc.

TELECOMMUNICATIONS (as defined in the Federal Telecommunications Act of 1996) means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Cross reference(s)—Definitions generally, §§ 151.280—151.281.

(3) *Communications tower and antenna permitted.*

(a) *Determination by Zoning Administrator.* All applications for tower placement must be submitted to the Zoning Administrator for review. Applications must be complete and shall include all of the materials required by this article (application requirements) and must meet all applicable requirements and/or conditions in this article before an application will be processed. Incomplete applications will be returned to the applicant. Under the following circumstances, the Zoning administrator may administratively approve applications for placement of towers:

(1) As a communication tower and/or antenna in any district co-located on existing towers or structures.

(2) As co-locations, reconstruction or new construction in any district within the footprints of existing electric utility company transmission line towers (such as Duke Power Company transmission line towers).

(3) As co-locations on existing electric utility company transmission line towers (such as Duke Power Company towers) which increase the height of the towers by no more than 20 feet.

(4) Applications approved by the Zoning Administrator must comply with all other requirements of this article. The Zoning Administrator may refer any application to the board for final review and approval as a special exception.

(b) *Special exceptions granted by the ~~board~~* Board of Zoning Appeals. Communication towers are permitted in NC, HC, LI, G1, G2, and G3 Zoning Districts for use only as a special exception. Applications for tower construction are subject to review and approval by the board. Priority in approving additional telecommunications facilities in the City shall be given to:

(1) Co-location on existing towers or structures, including electric utility company transmission line towers:

(2) Reconstruction of, or new construction within the footprints of existing electric utility company transmission line towers:

(3) Only when these possibilities have been exhausted or when it can be demonstrated by an applicant that the alternatives are not technically feasible to provide adequate coverage for the surrounding area, or when it can be documented by the applicant that the cost of the proposed lease for a site or location is more than 20 percent above the prevailing rate of leases in comparable Metropolitan Statistical Areas (M.S.A.'s) in the southeast, shall other sites be considered for approval. Towers in other districts may, at the discretion of the board, be required to be constructed as a stealth design depending on the impact of the tower on the surrounding area. Under no circumstances are communication towers permitted in locally designated historic districts or residential districts.

(c) *Appeals to the Zoning board.* Whenever there is an alleged error by the Zoning Administrator in an order, requirement, decision, or determination, an applicant may request a hearing before the board. The board has the authority to correct, reverse, or uphold the decision of the planning director. The applicant must exhaust this remedy regardless of whether applicant feels the Zoning Administrator is in error, the ordinance is unlawful or too restrictive, or for any other reason.

(d) *Time limit for determination.* Failure of the Zoning Administrator to act within 45 days from the date of the submission of a properly completed application, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit and may be appealed to the board.

(e) *Co-locations.* Co-locations on existing communication towers or other structures such as existing electric utility company towers which do not increase the height of the existing communication tower or structure are strongly encouraged. Co-locations, construction of freestanding structures (such as monopoles) which are located within the footprint of the existing tower or reconstruction of existing towers, any of which increase the height of the existing tower by more than 20 feet may be approved by special exception if they do not exceed the total tower height permitted in § 151.108(5). All new towers shall be designed to accommodate the principal provider and at least two additional carriers. At the discretion of the board, new stealth towers shall also be designed to accommodate additional carriers. The City, prior to final approval, must be satisfied that the tower does make reasonable accommodations for an additional user. The applicant shall make unused tower space available at fair market value.

(4) *General requirements.*

(a) *Illumination.* Communication towers shall be illuminated only as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA).

(b) *Color.* Communication towers shall only be painted with a gray, nonreflective paint unless otherwise required by state or federal regulations. This does not include stealth towers, unless it is a requirement of the Zoning Administrator or Board.

(c) *Signs.* A single sign, two square feet in size which included the names of the companies operating the equipment and a phone number for emergencies shall be displayed in a visible location on or near the communication tower. No advertising of any type may be attached to a communication tower.

(d) *Removal.* A communication tower which use has been discontinued for a continuous period of one year, shall be removed within 120 days of the date of the end of such period. Companies must notify the city within 30 days if telecommunications cease operations at a tower or antenna. All structures, fencing, screening and other improvements must be removed, and the site must be returned to its original condition at the company's expense.

(e) *Security.* A freestanding communication tower and associated structures shall be appropriately secured by means of a wall, fence or other device at least eight feet in height.

(f) *Screening.* The purpose of this subsection is to establish control for the visual quality of communication towers from the ground level. A communication tower, as pertains to this subsection, includes the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land surrounding the tower except for one service access. An appropriate plant material screen shall be evergreen plants of a quality and planted in accordance with the standards of the American Nurserymen Association that are indigenous or native to the county area. Such plantings shall be appropriately spaced and of such a size so as to achieve a dense screen with a minimum height of six feet within a three-year period from erection of a tower. Additional screening with deciduous or evergreen trees is desirable and encouraged. Existing trees shall be preserved unless a waiver has been granted by the Zoning Administrator to selectively cut specified trees. If in extreme or unusual situations and where it is proven impossible to properly construct the plant material screen, the Zoning Administrator may grant permission to construct the security fence as a solid masonry wall, either brick or stucco-type finish with a minimum height of six feet above ground level and constructed in accordance with applicable construction codes. A certificate of occupancy shall not be issued by the codes department until the required planting is completed. When the occupancy of a structure is desired prior to the completion of the required planting, a certificate of occupancy may be issued only if the owners or developers provide to the City a form of surety satisfactory to the City attorney and in an amount equal to 125 percent of the costs of the remaining plant materials, related materials, and installation (with the costs agreed to by the planning director or designee). The form of the surety shall be in conformity with the land development regulations for Oconee County. All required planting must be installed and approved by the first planting season following issuance of the certificate of occupancy or bond will be forfeited to the City. The owners and their agents shall be responsible for providing, protecting, and maintaining all required plant material in healthy condition, replacing unhealthy or dead plants within one year or by the next planting season, whichever comes first. Replacement material shall conform to the original intent of the approved plan.

(g) *Antenna capacity; wind load.* The communication tower shall be designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards. Certification from a structural engineer registered in the state shall constitute proof that such standard has been met.

(h) *FCC license.* The owner of a communication tower shall possess a valid FCC license for the proposed activity, or at the discretion of the board, the owner shall provide other substantial documentation in lieu of FCC licensing proving to the board that the owner has a verifiable history of satisfactory communications tower construction and operation.

(i) *Design for multiple use.* A new communication tower shall be designed to accommodate additional antennae as provided for elsewhere in this article.

(j) *Safety codes.* A communication tower shall comply with all applicable health, nuisance, noise, fire, building and safety code requirements.

(k) *Distance between towers.* A proposed communication tower shall not be permitted within a mile of an existing communication tower, water tower, or similar structure unless the applicant certifies to the board, and the board subsequently finds, that the existing structure would completely fail to meet applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained. If a current

structure is available and will meet a substantial portion of the applicant's requirements, that structure must be used. Furthermore, as provided for elsewhere in this article, existing structures must allow multiple use, if at all possible.

(l) *Minimum setbacks.* Minimum setbacks of communication tower (not including guy anchors) must be a minimum distance equal to one foot horizontally for every one foot in height plus 50 feet from:

(1) All lot lines of residential or commercial property.

(2) The nearest point of any structure meeting minimum standards for human occupation as put forth in applicable building codes adopted by the county and city.

(3) Properties or districts designated historic.

(4) Properties containing churches, schools, colleges, children's homes and shelters, hospitals and nursing homes; except that communication facilities which meet the definition of stealth tower may be permitted by special exception on these properties.

(5) The right-of-way of all streets and roads.

(6) All guy cables and anchors must be set back at a minimum of 20 feet from all lot lines.

(5) *Maximum height of freestanding communication towers.* The maximum height of freestanding communication towers shall be as follows:

District	Maximum Height
Commercial NC, HC, LI, G1, G2, G3	Not exceeding 200 feet
Light (LI) Industrial	Not exceeding 250 feet

(6) *Permitted height of building-mounted communication towers.*

(a) A communication tower shall not exceed 20 feet in height if mounted on a building or any structure other than a freestanding or guyed communications tower.

(7) The following information shall be submitted for all applications for approval of a communication tower:

(a) *Specifications.* Two copies of the specifications for proposed structures and antennae, including description of design characteristics and material.

(b) *Site plan.* Two copies of a site plan drawn to scale showing property boundaries, communication tower location, communication tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is not required if antenna is to be mounted on an approved existing structure. Prototypical drawings indicating various types of equipment to be located on the communication tower may be submitted at the time of the permit application. Identification of the owners of all antennae and equipment to be located on the site. Other equipment may be added to the communication tower without additional permits or inspections as long as electrical wiring is not required.

(c) *Location map.* Two copies of a current map, or update for an existing map on file, showing locations of applicant's antennae, coverage areas, facilities, existing communication towers, and proposed communication towers, serving any property within the City are required. An applicant may request that specific proprietary or confidential information be withheld from the public record.

(d) *Owner authorization.* Proof of ownership and written authorization from the site owner for the application.

(e) *Visual impact analysis.* A line of sight analysis showing the potential visual and aesthetic impact on adjacent residential districts.

(f) *Alternative to co-location or stealth design.* Co-located or stealth designs shall be required unless satisfactory documented evidence can be provided indicating that:

i. The proposed antenna and equipment cannot be accommodated and function as required;

ii. The applicant's technical design requirements are such that without unreasonable modifications they cannot function on any existing structure or communication tower under the control of applicant; and

iii. The applicant has considered all available publicly owned sites, and available privately owned sites occupied by a compatible use, including all applicable sites or locations or a combination of sites and locations as described under § 151.108(3)(b) for priority of approval and the applicant has demonstrated that for the reasons described in that section that these sites and/or locations are unsuitable for operation of the facility under applicable state and federal communications regulations, the applicant's technical design requirements and/or valid economic reasons.

(g) *Indemnity.* The applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Administrator a written indemnification of the City and proof of liability insurance or financial ability to respond to claims up to $1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the City in a form approved by the City attorney.

(h) *Application fees.* All communication tower applications shall include a check made out to the City in an amount to be determined by the Zoning Administrator, based upon a schedule of fees enacted by the City Council. Additional fees may be imposed in order to offset the costs associated with processing applications for special exceptions, appeals, or variances.

(8) *Special exceptions, variances and appeals.*

(a) *Special exception.* Communications towers are permitted in the City only by special exception, approved by the board, within the criteria of the General Requirements. The board shall conduct a public hearing on each request for a special exception. All public hearings shall be advertised by the applicant in a form pre-approved by the Zoning Administrator in a newspaper of general circulation in the Oconee County at least 15 days in advance of the hearing.

(b) *Variance.* An applicant may submit a request to the board for a variance from this or any other applicable land use ordinance. The board shall hear and decide appeals for a variance from the requirements of the ordinance when strict application of the provisions of the article would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing a unique, exceptional and otherwise unusual circumstance as provided for in general criteria for granting a variance in § 151.319 as from time to time may be amended.

(c) *Appeals.* Applications for appeal shall be submitted through the Zoning Administrator to the board. All appeals shall be accompanied by copies of the original application, supporting maps and documentation and shall include a detailed written summary of the alleged error or misinterpretation of this article by the Zoning Administrator in not granting approval to the original application. A copy shall be provided for each board member and the Zoning Administrator, and other copies as may be required by the Zoning Administrator. Appeals shall be heard by the board within 45 days of submission of the completed application to the Zoning Administrator. The applicant must exhaust this remedy regardless of whether applicant feels the Zoning Administrator is in error, the ordinance is unlawful or too restrictive, or for any other reason.

(9) *Additional criteria for evaluating special exceptions and variances.*

(a) *Application: conditions.* All application requirements imposed by the Zoning Administrator must be met.

(b) *Setback requirements; additional conditions.* The applicant must demonstrate that the proposed communication tower location is sufficient to satisfy setback requirements and must satisfy such other additional conditions, if any, necessary to remove dangers to safety and to protect adjacent property.

(c) *Priority of approval.* If a location is requested which does not meet the requirements under § 151.108(3)(b) for priority of approval the applicant must demonstrate that all alternative sites and locations or combinations thereof provided for in that section have been considered by the applicant, and the applicant has demonstrated that for the reasons described these sites and/or locations or combinations thereof cannot adequately serve the area for valid technical or economic reasons and are unsuitable for operation of the facility under applicable communications regulations.

(d) *Denial on substantial evidence.* The Federal Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence. The board shall maintain a written record of all appeal proceedings and shall maintain supporting documentation for any and all decisions.

(10) *Annual report required.* All companies that operate or maintain ownership of communication towers in the City shall submit an annual report to the Zoning Administrator no later than January 15 of each year. The report shall include a description of all of its active and inactive facilities located in the City, co-locations of its own equipment, co-locations of other companies using its facilities, and shall include telephone numbers and addresses for company officials and maintenance personnel.

(11) *Technical assistance required.* The Zoning Administrator (prior to issuing a permit) and the board (prior to issuing a permit by special exception or deciding an appeal or request for variance) may make use of technical consultants to review applications and to determine if the standards in this article are met. The permit applicant shall be required to bear the cost of the required technical services. The Zoning Administrator shall estimate any expenses and shall require payment with the completed application. Additional expenses shall be invoiced by the City finance department to the applicant. Amounts in excess of required fees and actual expenses shall be returned to the applicant.

(Ord. 2017-02-21-03, passed 2-21-2017)

§ 151.109 **Recreational Vehicle Parks**

A. **Location and Access.** Recreational Vehicle Parks shall be located in a public park or with direct access to a state or federal numbered highway or an approved County road. No entrance to or exit from a Recreational Vehicle Park shall be through an established residential neighborhood, and are allowed only in the Rural Residential District.

B. Site Conditions. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose Persons or property to hazards. Stormwater drainage facilities shall be designed and installed in accordance with all City regulations.

C. Spaces for Occupancy; Uses Permitted; Lengths Of Stay. Spaces in a Recreational Vehicle Park may be used by Recreation Vehicles, as defined herein. Spaces shall be rented by the day, week, or month only, and no Recreational Vehicle shall remain in the same park for more than ninety (90) days. The Recreational Vehicle Park owner shall be responsible for maintaining records of all Recreational Vehicles and their lengths of stay and shall make these records available to the Zoning Administrator for review upon request. Recreational Vehicles shall not be used as Short-Term Rental Properties.

D. Site Planning and Required Improvements. Site Planning and Improvements shall provide for:

1. Facilities and amenities appropriate to the needs of the occupants;
2. Safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy; and
3. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the Recreational Vehicle Park.

E. No permanent Use: A travel trailer or recreational vehicle shall not under any circumstances be considered as a dwelling unit and shall not be allowed as a principal or accessory residential structure in any

zoning district. When set up for use, a travel trailer or recreational vehicle shall not be installed on any type of permanent foundation such as a masonry foundation nor have the running lights, moving hitch, wheels or axle removed. Continuous occupancy extending beyond three continuous months (90 days) shall be presumed to be permanent occupancy and is prohibited by this Section.

F. Limited Conventional Construction: One recreational vehicle on each approved lot or space. No manufactured homes or dwelling units or buildings of conventional construction shall be permitted on a lot or space for living purposes, except as specified below:

1. Manager's office and residence, which may be of conventional construction.

2. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child\care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such facility may be of conventional construction.

3. Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the campground occupants.

4. Common use laundry facilities, maintenance buildings, and security guard houses that may be of conventional construction.

5. Recreation center parking lots and guest parking areas.

G. Development Requirements: Recreational vehicle parks shall meet the following requirements:

1. Minimum site area. The minimum site shall be _____ acres.

2. Site frontage, access and minimum width. Properties containing recreation vehicle parks shall have a minimum of 200 feet of property frontage on a public street. The recreation vehicle park shall have a minimum lot width of 200 feet throughout the entire depth of the developed portion of the property. No space shall be located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the Right-of-Way line of any major thoroughfare or Collector Street, or within 25 feet of the Right-of-Way line of any other Street.

3. Perimeter buffer or landscape screen.

(a) A landscape buffer meeting the requirements for landscape buffers for a multi-family use in the Landscaping and Buffers Article of this Code shall be provided.

(b) A minimum 10-foot wide landscape strip shall be provided and maintained along any side or rear property line comprising the perimeter of the development wherever no buffer is required, except for approved access and utility crossings.

(c) A minimum 10-foot wide landscape strip shall be provided and maintained along any street right-of-way line abutting the property, which shall contain a six-foot high decorative masonry wall, except for approved access and utility crossings.

4. Open space and recreational areas. A minimum of 20 percent of the site area shall be open space and recreational area, excluding any required buffer or perimeter landscape strip. A minimum of eight percent of the total site area, counted as part of the required 20 percent site area that is open space and recreation area, shall be devoted to one or more active recreation facilities.

5. Interior access roads, addresses and signing. The road system within the recreational vehicle park shall be designed as follows:

(a) All interior roads shall be private but constructed and paved to public road standards as to the thickness of the base and paving courses. Roads shall be located within 50-foot wide access and utility easements.

(b) Two-way interior roads shall be constructed with a minimum surface width of 20 feet, and shall be designated "no parking," or 24 feet if on-street parking is to be allowed.

(c) Interior roads shall be clearly marked at each intersection with signs to identify traffic directions and space numbers served by the road.

(d) Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

6. Walkways. Sidewalks shall be required along one side of all interior streets and in areas where pedestrian traffic is expected, such as around recreation, management, mailbox groupings if provided, and community services areas.

NONCONFORMING SITUATIONS

§ 151.120 NONCONFORMING BUILDINGS AND/OR USES.

§ 151.120 NONCONFORMING USES.

151.121 Purpose. The City of Westminster is committed to its planning and land use goals in order to create harmonious living and working regions throughout the City. As the City updates land uses, reasonable continuation of pre-existing legal uses, while over time bringing a property's use into conformity naturally. For example, the City may wishes to allow a business to continue operation or a family to continue living in their home even if the surrounding zoning is changed for different, future uses. This chapter outlines continuation and maintenance requirements for nonconforming structures and uses. However, should such a structure no longer be used as a business or residence, this chapter outlines when it must be brought into conformity.

151.122 Buildings or uses legally existing on the effective date of this chapter, not conforming to the provisions thereof, are declared non-conforming. However, such uses may be continued, except as outlined in 151.124, below.

Continuance. Continuance of existing uses which are non-conforming may be continued except as specified below, unless the use or structure was established in violation of the Zoning Ordinance previously in effect and has not since been brought into conformance.

A. Maintenance. Repairs, alterations and maintenance of a non-structural nature may be made to a non-conforming structure to maintain its sound condition. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

B. Expansion. A non-conforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this chapter or the effective date of any amendment to this chapter rendering the use nonconforming.

151.123 The following conditions shall discontinue the use of a nonconforming use or structure.

A. Change of Use. A nonconforming use shall not be changed to any other nonconforming use, but may be converted to a conforming use.

B. Discontinuance or Abandonment. A nonconforming use shall not be re-established after vacancy, abandonment, or discontinuance for any 12 consecutive months.

C. Damage or Destruction. Any nonconforming use that is damaged or destroyed, by any means, to the extent of more than 50% of fair market value, shall only be restored in a manner that conforms with these requirements.. The building may be restored if damaged less than 50% of fair market value, provided restoration is begun within six months, and completed within one year of the date of the destructive occurrence. Fair market value is determined by the assessed value or the appraised value as determined by a state-certified appraiser.

D. Substantial Improvement. Substantial improvement is defined as any combination of repairs, reconstruction, alteration, or improvements to a building over a5 year/10 year period for which the cumulative cost exceeds 50% of the market value of the building prior to the first instance of repairs, reconstruction, alteration, or improvements.

151.124 Amortization of Certain Uses. [Taken from Current Westminster Code] In accordance with the provisions of the South Carolina Code of Laws, ~~1968 Supplement, Volume 3, Article 3, Section 14-350.17,~~ Sec. 6-29-730 SC Code of Laws 1976, as amended and notwithstanding other provisions of this Chapter, certain nonconforming building and/or land uses, after this Chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform to this Chapter within the periods of time set below or established by the Board of Appeals.

a. In particular, those nonconformities to be discontinued, removed, altered, or made to conform with this Chapter shall consist of, but not be limited to:

i. Wrecking, junk, scrap, or salvage yards and other such open uses of land; signs, outdoor advertising structures; automotive storage yards or outdoor storage yards for lumber, building materials, contractor's equipment;

ii. Nonconforming fences, hedges, signs, (add) storage sheds, billboards/or other obstructions impeding vision at intersections.

~~b.~~ Nonconformities listed above shall be discontinued within 180 days, with all other nonconformities having a maximum of two and a half years to comply. ~~The Board of Appeals shall determine, on an individual case basis, a fair termination period in which to allow for amortization of property.~~

c. The Board of Zoning Appeals may ~~also~~ exercise an option to determine what ~~marginal~~ conditions could be met in order to bring the use into conformance or near conformance, and may stipulate that specified use or uses can meet the revised standards in lieu of termination of the use or compliance with revised standards, on an individual case basis, shall be dependent upon consideration of:

i. The nature and extent of the use;

ii. The amount of actual investment;

iii. The number, size and costs of improvements; and

iv. The detriment to the particular area caused by such nonconforming use.

d. In such cases as time limitations or termination dates are set, the Board of Appeals, either according to general rule or findings in a specific case, may permit not more than one extension period beyond the established date. These extensions are limited to 30 days for subdivision (D)(3) nonconformities, and six months for all others.

e. Notice shall be sent by the Zoning Administrator to all nonconforming users stating wherein they do not conform to said Chapter, and stating the date by which they must comply, meet revised standards, or cease to exist. The date for compliance or termination shall be measured from the date of enactment of this Chapter.

f. The date for meeting revised standards for marginal conformity shall be measured from date of notice from the Board of Appeals as to the standards. These dates shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner, and shall be bound by no other date or extension date unless set by the Board of Appeals. Application for relief from such termination shall be made to the Board of Appeals within one year of the adoption of this Chapter. Should the Board fail to make a decision concerning said appeal within six months of the application by the affected owner, then the termination date shall be automatically extended one year. If a decision is not forthcoming within one year of the application then termination requirements shall be void. (Am. Ord. 2002-07-16-01, passed 8-20-2002)

E. Accessory uses. Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within 30 days.

~~(A) Nonconforming buildings or land uses are declared by this Chapter to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building and/or land uses at the time of the enactment of this Chapter may be continued (notwithstanding provisions in § 151.121), even though such use does not conform with the provisions of this Chapter, except that the nonconforming buildings and/or land use or portions thereof, shall not be:~~

~~(1) Changed to another nonconforming use;~~

~~(2) Reestablished, reoccupied, or replaced with the same or similar buildings, and/or land use after physical removal or relocation from its specific site location at the time of passage of this Chapter.~~

~~(3) Repaired, rebuilt, or altered after damage except for a use of the same type. Reconstruction or repair, when legal, must begin within 90 days after damage is incurred.~~

~~(B) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.~~

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2010-07-20-02, passed 7-20-2010)

~~§ 151.121 NONCONFORMING BUILDING AND/OR USE DISCONTINUANCE.~~

~~(A) In accordance with the provisions of the South Carolina Code of Laws, Section 6-29-730 1968 Supplement, Volume 3, Article 3, Section 14-350.17, and notwithstanding other provisions of this Chapter, certain nonconforming building and/or land uses, after this Chapter is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform to this Chapter within the periods of time set below or established by the Board of Appeals.~~

~~(B) In particular, those nonconformities to be discontinued, removed, altered, or made to conform with this Chapter shall consist of, but not be limited to:~~

~~(1) Wrecking, junk, scrap, or salvage yards and other such open uses of land; signs, outdoor advertising structures; automotive storage yards or outdoor storage yards for lumber, building materials, contractor's equipment;~~

~~(2) Nonconforming fences, hedges, signs, or other obstructions impeding vision at intersections.~~

~~(C) Nonconformities in (B)(2) above shall be discontinued within 180 days, with all other nonconformities having a maximum of two and a half years to comply. The Board of Appeals shall determine, on an individual case basis, a fair termination period in which to allow for amortization of property.~~

~~(D) The Board may also exercise an option to determine what marginal conditions could be met in order to bring the use into conformance or near conformance, and may stipulate that specified use or uses can meet the revised~~

~~standards in lieu of termination of the use or compliance with revised standards, on an individual case basis, shall be dependent upon consideration of:~~

~~(1) The nature and extent of the use;~~

~~(2) The amount of actual investment;~~

~~(3) The number, size and costs of improvements;~~

~~(4) The detriment to the particular area caused by such nonconforming use.~~

~~(E) In such cases as time limitations or termination dates are set, the Board of Appeals, either according to general rule or findings in a specific case, may permit not more than one extension period beyond the established date. These extensions are limited to 30 days for subdivision (D)(3) nonconformities, and six months for all others.~~

~~(F) Notice shall be sent by the Zoning Administrator to all nonconforming users stating wherein they do not conform to said Chapter, and stating the date by which they must comply, meet revised standards, or cease to exist. The date for compliance or termination shall be measured from the date of enactment of this Chapter.~~

~~(G) The date for meeting revised standards for marginal conformity shall be measured from date of notice from the Board of Appeals as to the standards. These dates shall be observed regardless of whether notice of nonconformity is sent by the Zoning Administrator or received by the affected owner, and shall be bound by no other date or extension date unless set by the Board of Appeals. Application for relief from such termination shall be made to the Board of Appeals within one year of the adoption of this Chapter. Should the Board fail to make a decision concerning said appeal within six months of the application by the affected owner, then the termination date shall be automatically extended one year. If a decision is not forthcoming within one year of the application then termination requirements shall be void.~~

~~(Am. Ord. 2002-07-16-01, passed 8-20-2002)~~

ACCESSORY USES

§ 151.135 ACCESSORY USES.

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.136 USES CUSTOMARILY ACCESSORY TO PUBLIC USES, BUILDING OR ACTIVITIES.

(A) *Uses customarily accessory to public uses, building or activities.* There shall be no limitations regarding accessory uses to any use, building or activity operated within the public domain except that such uses, buildings or activities must be directly related and subordinate to the principal public use.

(B) *Uses customarily accessory to dwellings.*

(1) Private garage not to exceed the following storage capacities:

(a) One- or two-family dwelling: Four automobiles;

(b) Multiple-family dwelling: Two automobiles per dwelling unit.

(2) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under subdivision (B)(1) above; and one commercial vehicle licensed as one-ton or less in capacity per family residing on the premises.

(3) Shed or tool room for the storage of equipment used in grounds or building maintenance.

(4) Noncommercial horticulture or agriculture, (primary income is not derived from horticulture/agriculture operation). Poultry and farm animals must be fenced in and out buildings must be 200 feet from property lines and kept 50 feet from any well, water and residences.

(5) Private swimming pool, bathhouse, or other recreational facility customarily accessory to dwelling units, provided conditions in § 151.138 are met.

(6) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.

(7) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight feet in height.

(8) A satellite receiving dish, only one per lot, to be placed in the rear lot only, and such dish shall not be located nearer than ten feet from the side and rear lot line.

(9) All garages and carports shall be located at the rear of the dwelling. However, if the carport or garage is built to match the dwelling, it may be on the side of the dwelling.

(10) Land-sea freight containers must be screened from public view by a walled containment area or an enclosed privacy fence. Any non-complying containers in existence shall be removed within 60 days from the date of enactment of this Chapter at the sole expense of the property owner.

(11) Accessory Dwelling Unit that meets the criteria set out in Section 151.37, only in the RR, R-1acre, and R-25 Districts.

(C) *Uses customarily accessory to church buildings.*

(1) Religious education or activity building;

(2) Parsonage, pastorium, or parish house, together with any use accessory to a dwelling as listed under § 151.136(B).

(3) Off street parking area for the use without charge of members and visitors to the church.

(D) *Uses customarily accessory to retail businesses, office uses and commercial, recreation facilities, and light industrial.*

(1) Off street parking or storage area for customers, clients, or employee owned vehicles.

(2) Completely enclosed building for the storage of supplies, stock of merchandise.

(3) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

(4) Sheds or tool rooms for the storage of equipment used in operations or maintenance.

(5) Boat marina.

(6) Private docks, boathouses.

(7) Private swimming pools, bathhouses, or cabanas.

(8) Swimming beach.

(9) Bait house.

(10) Golf course.

(11) Land-sea freight containers must be screened from public view by a walled containment area or an enclosed privacy fence. Any non-complying containers in existence shall be removed within 60 days from the date of enactment of this Chapter at the sole expense of the property owner.

(12) Industrial zoned areas shall be exempt from subdivision (D)(11) above.

(E) *Location and setbacks.*

All accessory uses shall be in the rear yard only for residential, and ten feet from lot lines. All others are to be ten feet from lot lines and confirmed by zoning first.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-01-15-01, passed 1-15-2013)

151.137 Accessory Dwelling Units

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADU's are only permitted in the RR, R-1 Acre, and R-25 Districts. An ADU may be approved as an accessory use to a principal single-family dwelling unit, if all of the following conditions are met:

a. A scaled site plan must be submitted which shall show the ADU, the principal single-family dwelling, and compliance with:

1. Required parking,
2. Required setbacks, as applicable in the base zoning district; in addition all accessory dwelling units must be located in the rear yard only, 10' from any lot lines
3. Acknowledgement that the ADU would not conflict with any restrictive covenants applicable to the property
4. Acknowledgement that the property is connected to sewer or a certificate from the South Carolina Department of Health and Environmental Control that the septic tank is approved for the number of bedrooms onsite, including the bedrooms in the ADU.

c. There shall be a limit of one ADU per lot, subject to meeting all other requirements contained in this section, and the total number of dwelling units, including the ADU, shall not exceed two dwelling units per lot. The ADU may be separately metered for all utilities.

d. Each ADU shall be limited to 800 square feet of conditioned floor area.

e. One (1) off street parking space shall be provided for the occupants of the ADU on the subject property, in addition to providing, on the subject property, required off street parking for existing uses on the property. The parking space provided for the ADU may be situated in tandem with the required spaces for other uses.

g. The following conditions shall be memorialized in a recorded covenant to run with the property. Prior to the issuance of a building permit, the owner shall provide a copy of the recorded covenants to the Zoning Department

1. Either the principal structure or the accessory dwelling unit, hereinafter ADU, must be owner-occupied and serve as the owner's primary residence. If neither unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit. No subleases of the ADU are permitted;
2. Occupancy of an ADU shall be limited to no more than two (2) adults with "adult" defined as any person eighteen years of age or older;
3. Under no circumstances shall the property be subdivided or converted to a horizontal ownership regime;
4. The ADU may only be used as a short-term rental if all requirements are met and the underlying district allows short-term rentals.
5. The covenants shall accord the City of Westminster, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy.

§ 151.138 SWIMMING POOLS.

1. A swimming pool may be constructed and operated when:

2. (A) It is not located in any front yard.

3. (B) A side yard pool must be a minimum of ten feet from any structure and a minimum of ten feet from the property line.

4. (C) A wall or fence, no less than four feet in height, with self-latching gates at all entrances which completely encloses either the pool area or the surrounding yard area is provided.

5. (D) All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties.

6. (E) No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises.

~~7. (F) And meet the requirements of the swimming pool code book.~~

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.139 HOME OCCUPATION.

A home occupation shall be permitted in any residential district provided that such occupation:

(A) Is conducted either wholly or in part, by no other persons than members of the family residing on the premises;

(B) Is conducted within the principal building; except swim lessons and small outdoor recreation lessons not to exceed 2 clients may be offered.

(C) Utilizes not more than 25% of the total floor area of the principal building;

(D) Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;

(E) No display of products shall be visible from the street and only articles made on the premises may be sold;

(F) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;

(G) Is not visibly evident from outside the dwelling except for a sign of four square feet or smaller in size and mounted against a wall of the principal building;

(H) Shall not create any more traffic other than residences in the area.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

LOTS AND PARCELS

§ 151.150 CORNER LOTS.

On lots having frontage on more than one street at an intersection, the minimum front yard setback may be reduced on one side to a side yard setback, if the two backyards are back to back.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.151 LOCATION OF BUILDINGS ON LOTS AND RESIDENTIAL LIMITATIONS.

Every building or use hereafter erected or established shall be located on a lot or lots of record; and every one- and two-family residential structure, except as herein provided, shall be located on an individual lot or lots of record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries and, in no case, shall such building infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.152 DOUBLE FRONTAGE LOTS.

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Chapter. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Chapter on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of § 151.150.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.153 FRONT YARD REQUIREMENTS.

The setback requirements of this Chapter shall not apply to any lot where the average setback on already built upon lots located wholly or in part within 100 feet on each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case, shall setbacks be less than 15 feet.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.154 LOT OF RECORD.

There shall be only one single-family dwelling per lot of record, except for § 151.150 and all GR Districts, where more than one principal structure may be erected on a lot, for every 5,000 square feet of area, but in no case more than two. Provided that yard and other requirements of this Chapter shall be met for each structure as though it were on an individual lot.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.155 ACREAGE PARCELS.

(A) Acreage parcels of two acres or more must met the district requirements that they are ~~it is~~ in, except parcels of ten acres or more.

(B) Acreage parcels of five acres or more, and which may qualify for agricultural tax status for forested or timber growth, must meet the district requirements that they are in.

(B) Acreage parcels of ten acres or more, and which may qualify for agricultural tax status, may be used for normal horticultural and/ agricultural/produce uses including the keeping of cows and horses.

(C) Acreage parcels of two to nine acres, if divided, shall meet the requirements of the district it is in. Parcels of ten acres or more shall meet the requirements of R-1 Acre ~~R-25~~ District unless it is first rezoned.

(Am. Ord. 2002-07-16-01, passed 8-20-2002

PARKING REQUIREMENTS

§ 151.170 OFF-STREET PARKING REQUIREMENTS.

(A) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established except in the CC, Core Commercial District where off street parking and loading are not required except for residential uses. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). See Appendix D: Off-street parking requirements, which is incorporated herein by reference and made a part hereof as if appearing in total, for said requirements.

(B) When application of said provision results in a fractional space requirement, the next larger requirement shall prevail

(C) Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirement of the various uses computed separately.

(D) Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.171 PARKING SPACE FOR THE PHYSICALLY HANDICAPPED.

(A) When off-street parking is required for any building or use, with the exception of single-family dwellings and rental apartment complexes of less than 20 units, parking may be included when calculating the overall parking requirements for a building or use.

of Required Spaces	***of Spaces Reserved for licapped Persons***
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total required
Over 1,000	20, plus 1 space for each 100 or 1,000

(B) Parking spaces for the physically handicapped shall measure 12 feet by 20 feet and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.172 PARKING SPACE AREA REQUIREMENTS.

Including aisles, entrances, and exits, each required off-street parking area, lot, or other facility shall contain a minimum of 300 square feet of space for each automobile to be accommodated.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.173 LOCATIONS ON OTHER PROPERTY.

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lines within 400 feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.174 COMMON OFF-STREET PARKING AREAS.

Two or more principal uses may utilize a common area in order to comply with off-street requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquish his or her development rights over the property until such time as parking space is provided elsewhere.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.175 EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT.

Required parking space may extend up to 120 feet into a residential zoning district, provided that:

(A) The parking space adjoins a commercial or industrial district,

(B) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space, and

(C) Is separated from abutting properties in the residential district by a ten-foot wide evergreen buffer strip.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.176 PARKING SPACE FOR DWELLING UNITS.

Off street parking facilities for dwelling units shall not occupy any part of a required front yard. Any residential unit used as a short-term rental or boarding house must have one parking space per bedroom, including the bedrooms used by the owner of the property.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.177 DESIGN STANDARDS.

(A) *Minimum area.* For the purpose of these regulations an of-street parking space is an all-weather surfaced area, not in a street alley, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an asphalt or concrete driveway, which affords ingress and egress.

(B) *Drainage and maintenance.* Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys and surfaced with asphalt, concrete, bituminous, or other impervious material. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for sale, repair or dismantling or servicing of any vehicles, equipment, materials, or supplies.

(C) *Separation from walkways and streets.* Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards by a wall, fence, curbing, or other approved protective device.

(D) *Entrance and exits.* Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles and pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings, shall be designed so that all existing movements onto a public street are in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least 50 feet, measured along the curb line, from the intersection of the nearest curb lines. Entrance and exit driveways at other locations or at intersections not covered by the above restrictions may be denied if such a location will create an accident hazard for normal traffic.

(E) *Marking.* Painted lines, curbs or other means to indicate individual spaces, shall mark parking spaces in lots of more than ten spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to insure efficient traffic operation of the lot.

(F) *Lighting.* Adequate lighting shall be provided in off-street parking spaces, which are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.

(G) *Landscaping.*

(1) Where off street, developed in conjunction with a permitted use or as a separate use occupying an individual lot or lots, comprises 20 or more off-street parking spaces, at least 10% of the impervious surface area shall be open and landscaped in such a manner as to divide and break up the expanse of paving with islands and barriers.

(2) The natural landscape shall be preserved in all possible instances. Wherever healthy plant material exists on a site, the minimum planting standards may be adjusted for such plant material, if in the opinion of the Planning Commission such adjustment is in the best interests of the city, and preserves all intents of this Chapter.

(H) *Dimensions.* Parking stalls shall be not less than nine feet, except that a maximum of 10% of the total number of stalls may be 8½ feet by 19 feet. However, the dimensions of all parallel parking stalls shall be not less than 9 feet by 24 feet. All parking spaces shall be located so as to insure off-street maneuvering space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.178 PARKING, STORAGE AND USE OF RECREATIONAL VEHICLES.

(A) *Residential districts.* No major recreational equipment shall be parked or stored on any lot in a residential district for more than a 24-hour period except in a carport or enclosed building or behind the nearest portion of a building to a street. In the case of a "double-frontage" lot, the "behind the nearest portion of a building to a street" shall apply to only one street. Such equipment shall observe all setbacks, yard and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses. Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed building.

(B) *Non-residential districts.* No major recreational equipment shall be parked or stored on any lot in a non-residential district except where the sale of such recreational vehicles or operation of a residential vehicle park, SEction 151.109 is a primary activity of a business located thereon, with that business possessing a valid city business license.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2011-04-21-01, passed 4-21-2011)

§ 151.179 OFF-STREET LOADING AND UNLOADING SPACES.

(A) Except in the CC Core Commercial District every lot on which a business, trade or industry is hereafter established, shall provide permanent paved of street loading and unloading space as indicated herein. Such space shall have access to an alley, or if there is no alley, to a street.

(B) For the purpose of this section, an off-street loading space shall be at least 12 feet by 40 feet in area and be clear and free of obstructions at all times. Required space shall be considered as follows:

(1) *Retail business.* One space for each 5,000 square feet of gross floor area.

(2) *Whole, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions.* One space for the first 25,000 square feet the following schedule shall apply:

Square Feet	*No. Spaces*
25,001 to 99,999	2
100,000 to 159,999	3
160,000 to 239,999	4
140,000 to 349,999	for each additional 100,000 or fraction thereof

(3) *Multi-family residences with ten or more dwelling units.* One space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.180 USE OF PUBLIC RIGHTS-OF-WAY FOR MANEUVERING.

When determining parking area requirements for individual used, portions of the public rights-of-ways on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.181 ON STREET PARKING OR STORAGE.

No major equipment or trucks used for commercial purposes, either public or private, shall be parked or stored on a public street right-of-way in a residential district; nor shall the above equipment or trucks be parked or stored on a residential lot except in a carport or enclosed building or concealed by the portion of a building nearest to the street; nor shall a public or private vehicle be stored on a public street right-of-way or a residential lot except in a carport or enclosed building or concealed by the portion of a building nearest to the street; all these provided, however, that such equipment, trucks or vehicles may be parked in the prohibited areas for a period not to exceed 24 hours in a given ten-day period. During such hours, said equipment, trucks, or vehicles shall observe the minimum setbacks, yard and other requirements set forth for the residential districts in which they are located.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

STREETS

§ 151.195 STREET ACCESS.

Except as herein provided, no building shall hereafter be erected, constructed, moved or relocated on a lot, located on a publicly dedicated, accepted and maintained street with a right-of-way of not less than 50 feet, except for streets that were under 50 feet at the time of passage of the Zoning Code.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.196 CLASSIFICATION OF STREETS.

For purposes of this Chapter, all public streets in the city are hereby classified as being either major or minor streets. All streets, at this time, are classified minor streets, except for the following: US-76, US-123, SC-24, SC-183, North Avenue, Main Street, Doyle Street, King Street, Campbell, Retreat Street, Lucky Street, Hampton Street, Bibb Street, and Windsor Street, which are major streets.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.197 VISIBILITY AT STREET INTERSECTIONS.

Except in the CC Core Commercial District, no structure or object capable of obstructing driver vision between the heights of two and a half feet and ten feet above the finished street level shall be permitted on a corner lot within 25 feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.198 VISIBILITY AT PRIVATE DRIVES AND ENTRANCES WITH PUBLIC STREETS.

At the intersection of any private drive or entrance or exit with a public street, no impediment to visibility over the height of two and a half feet shall be permitted.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.199 EXCEPTIONS TO HEIGHT LIMITS.

The height limitations of this Chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, silos, chimneys, smoke stacks, conveyors, flag poles, masts and aerials.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-02-21-03, passed 2-21-2017)

§ 151.200 STREET RIGHT-OF-WAY WIDTH.

For the purpose of this Chapter, street rights-of-way under 50 feet wide shall be considered 50 feet wide for the purpose of front yard setbacks.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.201 NEW STREET RIGHT-OF-WAY.

All new street right-of-ways shall be a minimum of 50 feet.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.202 PARKING AND STORAGE OF UNLICENSED VEHICLES.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.203 CURB CUTS AND ACCESS POINTS.

Ingress-egress openings in concrete, asphalt, rock or other street curbing provisions, commonly referred to as curb cuts, as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this Chapter in accordance with the following requirements:

(A) *Size and spacing of curb cuts and other access points.* In no case shall a curb cut or other access point be less than nine feet nor more than 50 feet in length. No two curb cuts or other access points shall be closer than 20 feet from each other except in residential zoning districts. (Special requirements for HC Zoning District in § 151.056(D)(2)).

(B) *Location of curb cuts and other access points.* At street intersections no curb or other access point shall be located closer than 25 feet from the intersection point of the two-street right-of-way or property lines involved (or such lines extended in case of a rounded corner).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.204 DELIVERIES BY TRUCK.

All deliveries to commercial and industrial places shall be made off major roads, as per § 151.196.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.205 SIZE OF TRUCKS ON MINOR STREETS.

No trucks bigger than U.P.S. trucks shall be on any minor street in the city, unless they are there to make deliveries, a pickup, or moving something.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

CONDITIONAL AND TEMPORARY USES

§ 151.220 CONDITIONAL AND TEMPORARY USES.

(A) Conditional uses, as set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.* are declared to possess characteristics, which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

(B) *General requirements.* The Zoning Administrator or Building Official that they conform to all regulations set forth herein and elsewhere in this Chapter, with particular reference to those requirements established for those districts in which they are proposed for location, shall permit conditional uses subject to a determination.

(C) *Conditional use administration and duration.* Applications for permission to build, erect, or located a conditional use shall be submitted and processed in accordance with the regulations set forth in §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.* prior to the issuance of any permits.

(D) *Temporary uses.* The Zoning Administrator or Building Official is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows:

(1) Carnival or circus for a period not to exceed 21 days, subject to the approval of City Council.

(2) Religious meeting in a tent or other temporary structure in HC, LI Districts, for a period not to exceed 60 days.

(3) Open lot sale of Christmas trees, in the NC, CC, HC, LI Districts for a period not to exceed 45 days.

(4) Real estate sales office, in any district, for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.

(5) Contractor's Office and equipment sheds, in any district, for a period of one year, provided that such office be placed on the property to which it is appurtenant.

(6) The installation of a mobile home on a temporary basis to serve a special personal or humanitarian need based on the following conditions:

(a) The request to establish conditional use of a mobile home shall be based on special personal or humanitarian need.

(b) The request shall be directed to the Planning Commission, and full explanation with any applicable documentation, shall be provided at the time the request is presented.

(c) The use, if approved, shall be for a period not to exceed 12 months, and any extension in time must be reviewed by the Planning Commission on a yearly basis.

(d) The use must remain the same use as originally requested and cannot be changed at any time during its duration.

(e) Once the need for the original request no longer exists, the nonconforming building and/or use shall be discontinued not later than 90 days after the need no longer exists. This includes removing any nonconforming buildings and returning the site to full compliance with the existing Zoning Code.

(7) The placement of a Recreational Vehicle (RV) is allowed as a temporary living quarters on a piece of property not to exceed seven days, based on the following conditions:

(a) Notwithstanding, the definitions of § 151.281 of "Camper" and " Trailer", an RV is defined as a vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections and designed to be self-propelled or towed by a passenger vehicle with six wheels or less. A recreational vehicle is not designed or intended for use as a permanent dwelling;

(b) No one besides the visiting guest, their spouse and dependents are allowed to reside in the RV overnight;

(c) The recreational vehicle must be parked and located in the side or rear yard of the subject property. The RV is not permitted in the front yard, that is, forward of the front building line of the facility located on the subject property;

(d) If utility connections are used, they must be consistent with any related code requirements and appropriately used in the opinion of the Zoning Administrator or his designee;

(e) Not more than one RV shall be permitted on any residential lot or adjoining lots at one time.

(8) All temporary certificates of zoning compliance may be renewed one time for a period not to exceed the initial time period, provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses; the Zoning Administrator may deny the renewal or limit the time period of the temporary use of a renewal if the original reason for the temporary use could have been completed within the original time frame.

(E) *Sexually oriented businesses.* See § 151.221, below.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2017-03-21-02, passed 3-21-2017)

§ 151.221 SEXUALLY ORIENTED BUSINESSES.

(A) *Purpose and intent.* It is the purpose of this Chapter to regulate the secondary effects of sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations ~~to prevent the continued deleterious location and concentration~~ location and appearance of sexually oriented businesses within the county. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Chapter to condone or legitimize the distribution of obscene material~~. This Chapter is an Amendment to The Zoning Ordinance of the City of Westminster of July 1989.~~

(B) *Definitions.*

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ***ADULT VIDEO STORE.*** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia, which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an ***ADULT BOOKSTORE*** or ***ADULT VIDEO STORE*** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

(3) Movie rental establishments offering the rental of adult movies.

ADULT CABARET. A nightclub, bar, private club, restaurant, or similar commercial establishment which features:

(1) Persons who appear in a state of nudity; or

(2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(4) Activities such as wet T-shirt contests, negligee or lingerie shows, or similar-type activities.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten hours; or

(3) Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure or specified anatomical areas or by specified sexual activities.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT. Any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) The additions of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.

PERMITTEE and/or ***LICENSEE.*** A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

NUDE MODEL STUDIO. Nude model studio means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or ***STATE OF NUDITY.*** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

PERSON. An individual, proprietorship, private club, partnership, corporation, association, or other legal entity.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SPECIFIED ANATOMICAL AREAS. The male genitals in a state of sexual arousal and or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS. The increase in floor areas occupied by the business by more than 25%, as the floor areas exists as of the date of the passage of this code.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS. Any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(C) *Clarification.*

(1) Sexually oriented businesses are classified as follows:

(a) Adult arcades;

(b) Adult bookstores or adult video stores;

(c) Adult cabarets;

(d) Adult motels;

(e) Adult motion picture theaters;

(f) Adult theaters;

(g) Escort agencies;

(h) Nude model studios, and

(i) Sexual encounter centers.

(2) A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the city for the particular type of business.

(3) Sexually-oriented businesses are permitted as a Special Exception with the HC district. All Special Exceptions must be heard before the Board of Zoning Appeals. The application for a special exception ~~and/or license~~ must be made on a form provided by the City Zoning Administrator ~~or Building Official~~. If approved by the Board of Zoning Appeals, the City Administrator may grant the permit or license if all conditions, regulations, and laws are otherwise met. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The application must also provide evidence of compliance with the requirements of this chapter.

(4) The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law by the ~~health department~~ South Carolina Department of Health and Environmental Control as applicable, fire department, and the City Building Official.

(5) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the

application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10% or greater interest in the corporation must sign the application for a permit and/or license as applicant.

(6) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.

(D) *Issuance of permit and/or license.* The City of Westminster Zoning Administrator ~~or Building Official~~ shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he or she finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in his or her payment to the city of taxes, fees, fines, or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.

(4) An applicant is residing with a person who has been denied a permit and/or license by the city to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(5) The premises to be used for the sexually oriented business have not been approved by SCDHEC, fire department, and the building official as being in compliance with applicable laws and Chapters.

(6) The permit and/or license fee required by this Chapter has not been paid.

(7) An applicant of the proposed establishment is in violation of or is not in compliance with state law or any of the provisions of this Chapter.

(8) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, land the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(E) *Fees.* The annual fee for a sexually oriented business permit and/or license is $500.

(F) *Inspection.*

(1) An applicant or permittee and/or licensee shall permit representatives of the police department, health department, fire department, zoning (planning commission) department, or other city departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(2) A person who operated a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(G) *Expiration of permit and/or license.*

(1) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subdivision (D) above. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.

(2) When the City Zoning Administrator or Building Official denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the City Zoning Administrator or Building Official finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.

(H) *Suspension.* The City Zoning Administrator or Building Official shall suspend a permit and/or licensee or an employee of a permittee and/or licensee has:

(1) Violated or is not in compliance with any section of this Chapter or any state laws;

(2) Engaged in excessive use of alcoholic beverages while on the sexually oriented premises;

(3) Refused to allow an inspection of the sexually oriented business premises as authorized by this Chapter;

(4) Knowingly or negligently permitted gambling by any person on the sexually oriented business premises.

(I) *Revocation.*

(1) The City Zoning Administrator or Building Official shall revoke a permit and/or license of a cause of suspension in subdivision (H) occurs and the permit and/or license has been suspended within the preceding 12 months.

(2) The City Zoning Administrator or Building Official shall revoke a permit and/or license if he or she determines that:

(a) A permittee and/or licensee gave false or misleading information in the material submitted to the zoning administrator or building official during the application process;

(b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;

(d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;

(e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;

(f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes for fees past due.

(3) When the City Zoning Administrator or Building Official revokes a permit and/or license, the revocation shall continue for one year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one year from the date revocation became effective. If, subsequent to revocation the City Zoning Administrator or Building Official finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least six months have elapsed since the date the revocation became effective.

(J) *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his or her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

(K) *Location of sexually oriented businesses.*

(1) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated HC or LI district. All sexually oriented businesses shall be located within a HC or LI district.

(2) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within 300 feet of:

(a) A church;

(b) A public or private elementary or secondary school;

(c) A boundary of any residential district;

(d) A public park adjacent to any residential district, PUD, or NC district;

(e) The property line of a lot devoted to residential use.

(3) A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(4) A person commits a misdemeanor if he or she causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(5) For the purpose of this Chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, residential lot or NC district.

(6) For purposes of subdivision (K)(3), above, of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(7) Any sexually oriented business lawfully operating on that is in violation of subdivision (K)(1) through (K)(6) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public park, residential district, or a residential lot within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license is submitted after a permit and/or license has expired or has been revoked.

(L) *Additional regulations for adult motels.*

(1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined, in this Chapter.

(2) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he or she rents or sub rents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or sub rents the same sleeping room again.

(3) For purposes of subdivision (L)(2) of this section, the terms ***RENT*** or ***SUB RENT,*** mean the act of permitting a room to be occupied for any form of consideration.

(M) *Regulations pertaining to exhibition of sexually explicit films or videos.*

(1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The City Zoning Administrator or Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(b) The application shall be sworn to be true and correct by the applicant.

(c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or building official.

(d) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(f) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subdivision (M)(1)(e) above remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subdivision (M)(1)(a) of this section.

(g) No viewing room may be occupied by more than one person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level.

(i) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.

(2) A person having a duty under subdivision (M)(1)(a) through (M)(1)(i) above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

(N) *Exemptions.* It is a defense to prosecution under subdivisions (D) and (K) above that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school, licensed by the state of South Carolina; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(b) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(c) Where no more than one nude model is on the premises at any one time.

(O) *Injunction.* A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation § 151.221(K) of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of ~~$200~~ $500 or 30 days imprisonment.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

COMMON OPEN SPACE

§ 151.235 DEFINITION.

OPEN SPACE is land and/or water bodies used for recreation amenity or buffer; it shall be freely accessible to all residents of a development, where required by this Chapter. Buildings or structures, road, parking or road right-of-way shall not occupy open space; nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.236 WHERE REQUIRED.

Where specifically required by this Chapter, an open space plan shall be submitted as part of the application for a building permit. The plan shall:

(A) Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site.

(B) Designate the type of open space, which will be provided.

(C) Specify the manner in which the open space shall be perpetuated, maintained, and administered.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.237 PRESERVATION AND MAINTENANCE OF OPEN SPACE.

(A) Land designated as common open space may not be separately sold, subdivided, or developed. Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed.

(B) Open space areas may be owned, preserved, and maintained as required by the section, by any of the following mechanisms, or combinations thereof:

(1) Dedication of open space on acceptance by the city.

(2) Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.

(3) Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open, space lane and provide the maintenance responsibility.

(C) In the event that any private owner of open space fails to maintain same, the city may, in accordance with the Open Space Plan and following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

FLOOD HAZARD AREAS

§ 151.250 BUILDING REQUIREMENTS IN ESTABLISHED FLOOD HAZARD AREAS.

In the Flood Hazard Areas of Westminster, as established on Flood Hazard Boundary Maps furnished by the Federal Flood Insurance Agency, and on file in the office of the City Clerk, the following additional requirements shall be observed.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.251 PERMIT REQUIRED.

(A) All proposed development in a Flood Hazard Area shall require a permit, which shall be reviewed to determine if such development adversely affects the flood-carrying capacity of the flood plain. For purposes of this Chapter, ***ADVERSELY AFFECTS***means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.

(B) If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.

(C) If it is determined that there is an adverse effect, then technical justification (such as, a registered professional engineering analysis) for the proposed development shall be required.

(D) If the proposed development is a building, then the following requirement are applicable:

(1) *Residential construction.* New construction or substantial improvement of a residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) *Non-residential construction.* New construction or substantial improvement and commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.252 DATA TO ACCOMPANY PERMIT REQUEST.

All applications for development in a Flood Hazard Area shall be accompanied by the following information:

(A) Elevation in relation to Mean Sea Level (MSL) of the lowest floor (including basement) of all proposed structures.

(B) Elevation in relation to Mean Sea Level (MSL) to which any nonresidential structure will be flood-proofed.

(C) Certification by a registered professional engineer or architect that the non-residential flood-proofed structure is suitably flood-proofed.

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.253 MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

Mobile home parks and mobile home subdivisions are specifically prohibited in any designated flood hazard area.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

SCREENING AND BUFFER YARDS

§ 151.265 PURPOSE AND DEFINITION.

(A) The ***BUFFER YARD*** is a unit of yard together with the planting required thereon. Both amount of land and the type and amount of planting specified for each buffer yard required by this Chapter are designed to ameliorate nuisances between adjacent land uses where NC, HC, LI, G-1, G-2, and G-3 districts are contiguous to any of the residential districts.

(B) Buffer yards shall be required to separate non-residential uses from residential uses in order to screen, eliminate, or minimize potential nuisances such as dirt, litter, noise, flare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires of explosions.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

§ 151.266 LOCATION OF SCREENING AND BUFFER YARDS.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing public or private street or right-of-way.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.267 SCREENING AND BUFFER YARDS PART OF REQUIRED YARDS.

Where front, side and rear yards are required by this Chapter buffer yards may be established within such required yards.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.268 SCREENING AND BUFFER YARDS PART OF NC, HC, LI, G-1, G-2, AND G-3 YARDS ALONG COMMON PROPERTY LINES.

In all NC, HC, LI, G-1, G-2, and G-3 districts, there shall be a minimum of ten feet of greenbelt between any and all property lines that abut residential districts and any build area (including parking lots). In lieu of the required ten-foot-wide, six-foot-high (at the time of planting) greenbelt, a solid, six-foot-high stockade fence shall be allowed. As the greenbelt must be maintained and replaced as necessary, so shall the optional stockade fence.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2013-11-19-02, passed 11-19-2013)

INTERPRETATION AND DEFINITIONS

§ 151.280 INTERPRETATION OF CERTAIN WORDS.

(A) Except when definitions are specifically included in the text, words in the text or tables of this Chapter shall be interpreted in accordance with the definitions set forth in this section. When words are not defined, standard dictionary definitions shall prevail. In every case, the Zoning Administrator or Building Official shall have the authority to define any word or interpret any definition in order to fulfill the intent and purpose of this Chapter.

(1) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

(2) The term ***BOARD OF ADJUSTMENTS AND APPEALS*** or ***BOARD OF ADJUSTMENTS*** or ***BOARD OF APPEALS*** refers to the Board of Zoning Appeals of the City of Westminster.

(3) The term ***CITY APPEARANCE COMMITTEE*** refers to that committee so designated by City Council to review any design, landmark, or historical criteria regulations as set forth by City Council.

(4) The term ***COUNCIL, CITY COUNCIL,*** or ***MAYOR*** and ***COUNCIL*** refer to the legally constituted and elected governing body of the City of Westminster.

(5) The word ***LOT*** includes the word ***PLOT*** or ***PARCEL.***

(6) The word ***MAP*** or ***ZONING MAP*** shall mean the Official Zoning Map of the City of Westminster, South Carolina.

(7) The word ***MAY*** is permissive.

(8) The word ***PERSON*** includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

(9) The term ***PLANNING COMMISSION*** refers to the Westminster Planning Commission.

(10) The word ***SHALL*** is always mandatory.

(11) The word ***STRUCTURE*** includes the word ***BUILDING.***

(12) The word ***USED*** or ***OCCUPIED*** as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy.

(13) The term ***ZONING ADMINISTRATOR*** refers to that person or persons so designated by the City Council to administer this Chapter.

(B) Where circumstances may not clearly conform to the standards or definitions herein, then the Board of Appeals shall interpret such standards or definitions.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.281 DEFINITIONS.

For the purpose of this Chapter, certain words or terms used herein are defined as follows:

ABANDONED VEHICLE. Any vehicle found or left on a public street, parking lot, or wrecker lot for which the owner cannot be identified and/or located within a period of seven days.

ACCESSORY. A use or building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.

ACCESSORY DWELLING UNIT. An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.

ALL WEATHER SURFACE. This surface shall meet one of the following criteria:

(1) Shall consist of at least a four-inch layer of coarse aggregate, such as crushed stone, slag or gravel, or thoroughly compacted sub layer of clay or other firm subsoil, or

(2) Shall be at least a four-inch layer of coarse concrete over an intermediate layer of coarse aggregate at least two inches thick when compacted, and both layers over a thoroughly compacted sub layer as above, or

(3) Shall be at least a three-layer of Bituminous asphalt over an intermediate layer and sub layer as above.

ALLEY. A secondary way, which affords access to the side or rear of abutting property.

ALTERATION OF BUILDING. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

AUTOMOBILE SERVICE STATION. Building and premises on any parcel or lot where gasoline, oils, grease, batteries, tires and limited automobile accessories may be supplied, dispensed, or installed. No part of the premises may be used for storage or dismantled parts of major automotive repairs.

BOARDING HOUSE. A house at which board and lodging may be obtained for payment on a monthly basis.

BUILDABLE AREA. That portion of any lot which may be used or build upon in accordance with regulations governing the given zoning district within which the particular lot is located once the various front, side, and rear yard requirements required for the District have been subtracted from the total lot area. For instructions related to the determination of ***BUILDABLE AREA***, see § 151.120.

BUILDING. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced by an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, land used or intended for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING LINE. That line which represents the distance a building or structure must be set back from a lot boundary line or a street right-of-way line or street centerline according to the terms of this Chapter. In all cases the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street center lines or other lot boundary lines.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which said building is situated.

CAMPER/RV (Recreational Vehicle) A highway vehicular, portable Structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers, tent, trailer, or other self-contained vehicle or structure designed for recreational or moving purposes, of metal or other materials, mounted or designed for mounting on one or more wheels and/or jacks or similar supports, and either self-propelled or rigged for towing or transporting, provided such structure or vehicle is less

than 30 feet in length and is not used for residential purposes in the city (in other than an established campground). The term does not include Manufactured Housing Units.

CAR WASH, AUTOMOBILE LAUNDRY. Buildings and premises on any lot where the cleaning of an automobile is operated automatically, manually, or by coin. No part of the premises shall be used for the storage of dismantled or wrecked vehicle parts nor shall any automobile repairs of accessory sales take place.

CARE HOME. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.

CLINIC. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.

CONDOMINIUM, CONDO. See ***DWELLING, CONDOMINIUM.***

DAY CARE CENTER, AGED ADULTS. Any home center, which regularly provides day care for aged adults unattended by a legal guardian in a residential setting. These centers shall meet all county and state requirements.

DENSITY, GROSS. The number of dwelling units per acre of the total acreage developed or used.

DENSITY, NET. The number of dwelling units per acre of land developed or used for residential purposes exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. Unless otherwise stated, density requirements in this Chapter are expressed in units per net acre.

DERELICT VEHICLE. Any vehicle that is inoperative (unable to be driven under its own power), is unlicensed and fails to display a current license tag.

DISTRICT. The term applied to various geographical areas of the city the purpose of interpreting the provisions of this Chapter. The Districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the city are set forth in §§ 151.050*et seq.* The terms ***DISTRICT*** and ***ZONING DISTRICT*** are synonymous and are used interchangeably throughout this Chapter.

DRIVE-IN. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term DRIVE-IN includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, or other similar retail service activities.

DWELLING. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The term ***DWELLING*** and ***RESIDENCE*** shall be interchangeable.

DWELLING CLUSTER. The grouping of dwelling units, frequently on lots of different sizes and shape, surrounded by a large expanse of open space with the streets and utilities customized to the needs of the individual cluster.

DWELLING CONDOMINIUM. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under private or separate ownership, joint ownership of common open spaces.

DWELLING, GROUP. A building or portion of building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term ***GROUP DWELLING***includes but is not limited to the terms ***ROOM HOUSE, Y.M.C.A.*** or ***Y.W.C.A.*** A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

DWELLING, ONE-FAMILY. A detached dwelling other than a mobile home designed for or occupied exclusively by one family on a single lot.

DWELLING, MULTIPLE-FAMILY. A building or series of buildings on the same lot portions thereof used or designed as dwellings for two or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms ***MULTIPLE-FAMILY*** and ***MULTI-FAMILY*** are synonymous and are used interchangeably throughout this Chapter.

DWELLING, SINGLE-FAMILY ATTACHED, TOWNHOUSE. A single-family dwelling unit construct in a series or group of attached units with property lines separating such unit. Firewalls separating each dwelling unit shall extend from the foundation through the roof.

DWELLING, TWO-FAMILY. A dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.

DWELLING, UNITS. One or more rooms connected together and constituting a separate, independent housekeeping establishment with provision for cooking, eating, and sleeping, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

FAMILY. One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises.

GARAGE, PRIVATE. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

GARAGE PUBLIC. Any garage other than a private garage which is used for storage, minor repair, servicing, washing, adjusting or equipping of automobiles or other vehicles.

GARAGE REPAIR. Buildings and premises designed or used for purposes indicated under automobile service station and/or major commercial repairs provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

GREENBELT. Synonymous with a ***BUFFER YARD***. See §§ 151.265 through 151.268.

HOME OCCUPATION. Any use in a residential area, conducted solely by the occupants of a dwelling, and contained entirely within the dwelling or serving as a base of operations or office. This use shall be clearly incidental to the residential purpose and it shall not change the character thereof. Only residents of the dwelling shall be employed in connection with this activity, except the following: a non-resident assistant may be employed by a lawyer, physician, dentist, chiropractor, or similar professional. No more than 25% of the total floor space of any structure may be used in a home occupation.

HOTEL. A building or buildings in which lodging, with or without meals is provided and offered to the public for compensation, which is open to transient or permanent guests. The word HOTEL includes the terms ***MOTEL*** and ***TOURIST COURT.***

JUNK or ***SALVAGE YARDS.*** The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment or parts thereof.

KINDERGARTEN, NURSERY. Any public or private school, operated on a profit or nonprofit basis for preschool children, wherein a specific curriculum is prepared and presented by qualified instructors for educational purposes, but specifically excluding Day Care Centers.

LANDSCAPED STRIP. A greenery space consisting of a year-round planted ground cover, properly maintained, and having an appropriate selection of bushes or shrubs placed at least every five feet of the strip length.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT, CORNER. A lot located at the intersection of two or more streets.

LOT, DEPTH. The mean horizontal distance between front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

LOT, INTERIOR. A lot, other than a corner lot, which has frontage on only one street other than an alley.

LOT, LOT OF RECORD. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Oconee County, as maintained in the Oconee County Courthouse. The terms ***LOT, PLOT, LOT OF RECORD, PROPERTY,*** or ***TRACT*** whenever used in this Chapter, are interchangeable.

LOT WIDTH. The distance between side lot lines measured at and along the front building line.

MANUFACTURED HOME/MOBILE HOME PARK. Premises where two or more mobile homes at the time this Chapter comes into effect, are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living in or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

MANUFACTURED HOME/MOBILE HOME SPACE. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

MANUFACTURED HOMES/MOBILE HOMES. Any structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation. A ***MOBILE HOME*** shall bear the label or seal of compliance with the Federal Mobile Home Construction and Safety standards approved by the Department of Housing and Urban Development of the United States of America.

MODULAR BUILDING. A building manufactured off site and transported to the point of use for installation as a finished building not designed for removal to another site. A ***MODULAR BUILDING*** shall comply with the standards set forth in the South Carolina Modular Buildings Construction Act of 1984 and bear the certification seal of the South Carolina Building Code Council.

MOTEL. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests. The word ***MOTEL*** includes the terms ***HOTEL*** and ***TOURIST COURT.***

NET ACRE. The amount of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, or other public uses. (See ***DENSITY, NET***).

NONCONFORMING STRUCTURE OR USE. A structure or use of land lawfully occupied by an existing use which does not conform with size/setback/lot coverage requirements or the permitted uses for the zoning district in which it is situated, either at the effective date of this Chapter or as the result of subsequent amendments to this Chapter. A ***NONCONFORMING USE,*** or characteristic of use shall not be reestablished after vacancy, abandonment, or discontinuance for any period of twelve consecutive months.

OPEN SPACE, IMPROVED. Those changes which will enhance the utilization of the property other than the existence of natural flora.

OPEN SPACE, UNIMPROVED. Those areas left in their natural state.

PARCEL. See ***LOT.***

PARKING LOT. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot.

PARKING SPACE. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.

PLOT. An area designated as a separate and distinct parcel or land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Oconee County, as maintained in the Oconee County Courthouse.

RESIDENCE. A building or portion of a building arranged or designed to provide living and/or sleeping quarters for one or more families. The terms ***DWELLING*** and ***RESIDENCE*** shall be interchangeable.

RV (Recreational Vehicle) Park Any Lot of land upon which two or more Recreational Vehicle sites, or Campground sites, are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied Recreational Vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

SERVICE STATION. See definition of ***AUTOMOBILE SERVICE STATION.***

SETBACK. The depth or width of any required yard. The minimum linear distance from any designated property line or right-of-way to a structure on a lot.

SHORT TERM RENTAL means the legally permitted accessory use of a dwelling unit or portion thereof for a fee or other compensation for a period of less than 30 consecutive rental days. Short-term rentals do not include hotels, motels, bed and breakfast, boarding houses, inns, or other commercial accommodations.

SIGN. The term ***SIGN*** shall mean and include every ***SIGN,*** billboard, poster, panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any persons when the same is placed in view of the general public, traveling along a public street right-of-way. See Sign Definitions In 152.002

SOCIAL ORGANIZATION. An incorporated or unincorporated association for civic, cultural, religious, literary, political, recreational or like activity operated for the benefit of the members and not generally open to the public.

SPECIAL EXCEPTION. A use so specifically designated in this Chapter, that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

SPOT ZONING. An illegal action; a rezoning that is:

(1) Inconsistent with existing zoning patterns;

(2) For the benefit of the landowner;

(3) Detrimental to neighborhood; and

(4) Without any substantial public purpose.

STORY. That portion of building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

STREET. A dedicated and accepted public right-of-way for vehicular traffic, which affords the principal means of access to abutting properties.

STREET CENTERLINE. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of the outside right-of-way lines of such streets.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground. A ***BUILDING,*** as defined herein, is a ***STRUCTURE.***

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the

process of subdivided provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local Planning Commission be informed and have record of such subdivisions:

(1) The combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.

(2) The division of land into parcels of four acres or more where no new street is involved.

SUITABLE PLANTING SCREEN. A properly planted strip composed of evergreen greenery which possesses growth characteristics of such a nature as to produce a dense, compact mass, such as, opaque barrier, that is suitable for blocking or impeding vision to such an extent that images are not generally distinguishable from one side of the mass to the other. The planting screen shall be a minimum of ten feet in width and a minimum of six feet in height at the time of planting. Such barriers shall be maintained and replaced if any of the plantings shall perish. This term shall be synonymous with ***BUFFER YARD*** and ***GREENBELT.***

TOURIST HOME. A dwelling in which sleeping accommodations in less than ten rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. A dwelling in which such accommodations are offered in ten or more rooms shall be deemed to be a hotel as herein defined. The use of a dwelling as a ***TOURIST HOME*** shall not be considered an accessory use or a customary home occupation.

TRACT. See ***LOT.***

TRAILER. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

(1) Provide temporary or permanent quarters;

(2) Serve as a carrier of people, new or used goods, products, or equipment; and

(3) Be used as a selling, advertising or display device.

For purposes of this Chapter, the term ***TRAILER*** shall not include the terms camper, mobile home, or house trailer.

TRAILER, HOUSE. The term ***HOUSE TRAILER,*** for purposes of this Chapter, shall be interchangeable with the term ***MANUFACTURED HOME/MOBILE HOME,*** as defined herein.

USE, ACCESSORY. Purpose for which a lot is occupied and used when criteria is met and approved.

VARIANCE. A modification of the strict terms of this Chapter granted by the Board of Zoning Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property owner, a literal enforcement of the Chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

YARD. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

YARD, FRONT. A yard situated between the front building line and the front lot lone extending the full width of the lot.

YARD, REAR. A yard situated between the rear building line and the rear lot line extending the full width of the lot.

YARD, SIDE. A yard situated between a side building line and a side lot line and extending from the front yard to the rear yard.

ZONING DISTRICT. See ***DISTRICT.***

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2007-04-17-02, passed 6-19-2007; Am. Ord. 2013-11-19-02, passed 11-19-2013; Am. Ord. 2017-03-21-01, passed 3-21-2017)

ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

§ 151.295 ADMINISTRATION.

(A) The duty of administering and enforcing the provisions of this Chapter is hereby conferred upon the duly appointed Planning Director of the city. It shall also be the duty of all officers and employees of the city, and especially of all members of the police and fire departments, to assist the Director by reporting to him or her new construction, reconstruction, or new land uses and apparent violations of this Chapter.

(B) If at anytime the Planning Director feels he or she needs help in administering this Chapter or if the position is currently not occupied, a Zoning Official and/or Building Official may be appointed with approval from City Council to administer this Chapter.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.296 ENFORCEMENT.

(A) Pursuant to S.C. Code 6-29-950, if the Planning Director shall find that any of the provisions of the Chapter are being violated, he or she shall notify in writing the person and/or persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuances of illegal uses of land, buildings, or structures; removal or illegal buildings or structures with illegal additions, or structural changes, and discontinuance of any illegal work being done; and shall take any other action authorized by this Chapter to ensure compliance with, or to prevent violation of its provisions.

(B) In accordance with S.C. Code § 56-7-80, the Zoning Administrator may issue an ordinance summons for violations of the zoning regulations when all other remedies have failed to remove the violation.

(C) Each day that the violation exists constitutes a separate offense, pursuant to SC Code 6-29-950 (A).

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2012-01-17-01, passed 1-17-2012)

§ 151.297 BUILDING CODES, PERMITS AND CERTIFICATES OF OCCUPANCY.

The above is to be administered per §§ 151.003 through 151.005; 151.019; 151.060; 151.100*et seq.*; 151.120*et seq.*; 151.135*et seq.*; 151.150*et seq.*; 151.170*et seq.*; 151.195*et seq.*; 151.220*et seq.*; 151.235*et seq.*; 151.250*et seq.*; and 151.265*et seq.*; and the 2000 International Building Codes as adopted by City Ordinances 2001-09-18-01 and 2001-09-18-02.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.298 COMPLAINTS.

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning Director, who shall properly record such complaint, forthwith investigate, and take action thereon as provided by this Chapter.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.299 REMEDIES.

In the event any building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be or is used in violation of this Chapter, the Planning Director, the City Council, the City Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action, or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.300 APPEAL FROM THE DECISION OF THE PLANNING DIRECTOR.

It is the intention of this Chapter that all questions arising in connection with the enforcement of this Chapter shall be presented first to the Planning Director and such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Planning Director.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

BOARD OF ZONING APPEALS

§ 151.315 ESTABLISHMENT OF BOARD OF ZONING APPEALS.

(A) A five member Board of Zoning Appeals is hereby established.

(1) All Board Members shall be a resident of the city. Initial appointment shall be as follows: one for five years; one for four years; one for three years; one for two years; and one for one year.

(2) Thereafter, each new member shall serve for a term of five years or until a successor has been appointed.

(3) The Building Official shall be an *ex officio* member of said board but shall have no vote on any matter before the board.

(4) Wherever possible, the members shall be architects, engineers, building contractors, and/or building material suppliers, and one Member at Large. If there is none of the above available, members should have as closely related occupations as possible or other Members at Large.

(5) The applicable governing body shall appoint the said Board. Members shall serve without pay, but may be reimbursed for any expenses incurred while representing the Board.

(B) Vacancies shall be filled for unexpired terms; no members shall be appointed for a term in excess of five years. A vacancy in a term of office shall occur whenever it is found that a member has resigned or has not maintained the qualifications required for appointment; or whenever a member:

(1) Has repeatedly failed to attend properly called meeting of the Board without just cause; or

(2) Has been guilty of malfeasance or misconduct in office and based upon such findings has been removed from office;

(3) Shall be removed for cause by the Mayor or City Council upon written charges and after public hearing.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.316 PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

(A) The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected or until their successors are elected. The Board shall appoint a secretary, who may be a City Officer, an employee of the city, a member of the Planning Commission or a member of the Board or Appeals.

(B) The Board shall adopt rules and bylaws in accordance with the provisions of this Chapter and the South Carolina Code of Laws, Title 6 chapter 29 (2000 Supplement), being S.C. Code § 6-29-790, *et seq*.

(C) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall meet within 15 days after receipt by City Hall of the notice of appeal and the $75 application fee. Notifications of the public and neighboring property owners shall be in accordance with § 152.318(D) and Sec. 6-29-800 et seq.

(D) Every decision shall be made by the Board in accordance with § 151.317, and promptly filed in writing in the office of the Planning Director and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the applicant.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2006-01-17-02, passed 2-14-2006)

§ 151.317 DECISIONS OF THE BOARD OF ZONING APPEALS.

(A) The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Planning Director or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter or to affect any variation of the Chapter.

(B) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(C) On all appeals, applications and matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved by Certified Mail of its decisions and the reasons therefore.

(D) Written decisions of the Board of Zoning Appeals shall be in writing and must include Findings of Fact and Conclusions of Law, pursuant to S.C. Code 6-29-800(F).

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.318 APPEALS, HEARINGS AND NOTICE.

(A) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Appeals notice of appeal specifying the ground thereof. The Planning Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application.

(C) Each applicant for an appeal, or variance, shall at the time of making application pay a fee for the cost of advertising and mailing notices, as required by this Chapter, and the rules of the Board of Appeals. The appeal process will commence with the payment of the $75 application fee.

(D) The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by advertising for a minimum of one week in a newspaper of general circulation in the community, as well as due notice to the parties in interest, including all property owners within a minimum of 200 feet of the affected property, and decide the same within a reasonable time. Mailed notices shall be certified with a return receipt requested. At the hearing any party may appear in person or by agent or by attorney.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2006-01-17-03, passed 2-14-2006)

§ 151.319 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

Pursuant to S.C. Code 6-29-780, the Board of Zoning Appeals shall have the following powers and duties:

(A) ADMINISTRATIVE APPEALS: To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Planning Director/Zoning Administrator in the enforcement of this act.

(B) VARIANCES: To authorize upon appeal in specific cases a variance from the terms of the Chapter as will not be contrary to the public interest, where, owning to special conditions, a literal enforcement of the provisions of the Chapter will, in an individual case, result in unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Appeals that:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;

(2) The application of the Chapter on this particular piece of property would create an unnecessary hardship;

(3) Such conditions are peculiar to the particular piece of property involved;

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Chapter or the comprehensive plan, provided, however, that no variance may be granted for use of land or building or structure that is prohibited in a given district, except as provided in § 151.107.

A. (C) SPECIAL EXCEPTIONS: Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Is consistent with the recommendations contained in the City's *Comprehensive Plan* and the character of the base Zoning District "Purpose and Intent";
2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
3. Adequate provision is made for such items as Setbacks and buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, Vibration, dust, glare, odor, traffic congestion, and similar factors;
4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to, any use conditions, Zoning District standards, or Site Plan Review requirements of this Ordinance; and
6. Does not hinder or endanger vehicular traffic and pedestrian movement on adjacent roads.

7. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed Building or Structure as the Board may

consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

(D) REMAND TO PLANNING DEPARTMENT: To review specific cases for administrative appeals, variances, and special exceptions, upon motion by a party or the board's own motion, and in the opinion of the Board, a decision to remand the case to the Planning Department/Zoning staff if the board determines the record, including testimony and evidence presented is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review. The board must set a rehearing on the remanded matter without further public notice for a time certain within sixty days unless otherwise agreed to by the parties. The board must maintain a list of persons who express an interest in being informed when the remanded matter is set for rehearing, and notice of the rehearing must be mailed to these persons prior to the rehearing. Pursuant to SC Code 6-29-800(4)

~~To decide on other such maters where a decision of the Board of Zoning Appeals may be specifically required by the provisions of the Chapter~~.

(E) In exercising the above powers, the Board of Zoning Appeals may, in conformity with the provisions of this act, reverse or affirm wholly or inn part, or may modify the order, requirements, decision, or determination, and, to the end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may administer oaths, may subpoena witnesses, may take testimony, and in case of contempt, may certify such fact to the circuit court in and for the County of Oconee.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.320 APPEALS FROM DECISION OF THE BOARD OF ZONING APPEALS.

Pursuant to S.C. Code 6-29-820 (A), any person who may have a substantial interest in any decision of the Board of Appeals may appeal any decision of the Board to the circuit court in and for the County of Oconee by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is rendered. Such appeal shall be filed within 30 days after ~~receipt~~ the date of the certified mailing of the decision the Board has rendered in your case.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

AMENDMENTS

§ 151.335 AUTHORITY.

The Zoning Code, including the Official Zoning Map of Westminster, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have 30 days from public hearing date, within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.336 REQUIREMENTS FOR CHANGE.

When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning Code.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.337 LIMITATIONS TO PARCELS TO BE REZONED.

(A) There shall be no limitation to the shape or quality of any parcel that City Council may consider for amendment to the Zoning Code provided the requested district is contiguous to the parcel under consideration. The requirement for being contiguous shall not apply to Government Districts, G-1, G-2, or G-3.

(B) In order to determine the contiguous nature of properties separated by railroads, streets, street intersections or other such dividing entities within the city, those entities should be "collapsed" thereby making the dividing entity nonexistent.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2008-12-16-02, passed 12-16-2008)

§ 151.338 PROCEDURE FOR AMENDMENTS.

Requests to amend the Zoning Code shall be processed in accordance with the following requirements:

(A) *Initiation of amendments.* A proposed amendment to the Zoning Code may be initiated by the City Council, the Planning Commission, or by application filed with the Planning Department, or by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every 12 months. Initiation of the Public Hearing Procedures commences upon payment of the $75 application fee.

(B) *Application procedure.*

(1) Application forms for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee to cover administrative costs, plus any additional information the applicant feels to be pertinent will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required.

(2) Applications for amendments must be submitted, in proper form, at least three weeks prior to a Planning Commission meeting in order to be heard at that meeting.

(3) The Zoning Administrator shall forward application fees to the City Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses.

(C) ~~*Hearings by the*~~ *Planning Commission* *Review and Recommendation*

(1) The Secretary of the Planning Commission shall transmit all papers and other data submitted by the applicant on behalf of the amendment request to the Planning Commission. The Planning Commission, at a regular meeting, shall review and prepare a report, including its recommendation for transmittal to the City Council. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent, or by attorney.

(2) No member of the Planning Commission shall participate in a matter in which he or she has any pecuniary or special interest.

(3) Following action by the Planning Commission, all papers, and data pertinent to the application shall be transmitted to the City Council for final action.

(D) *Report of the Planning Commission.*

(1) Following each public hearing the Planning Commission shall hold a regular meeting to review and prepare a written record of the conduct of each public hearing. A copy of the record shall be filed with the City Clerk for the public record and a copy shall accompany the Planning Commission's recommendation of the Mayor and City Council.

(2) The recommendation of the Planning Commission shall be in written form and should evaluate the proposed zoning amendment by answering the following questions:

(a) How does the proposed zoning amendment relate to and affect the City's Comprehensive Plan?

(b) Are development objectives and recommendations of the City's Comprehensive Plan for the area under consideration still valid or have conditions changed to such a degree that deviation from the Plan is warranted?

(c) Will the proposed amendment correct an error or deficiency in the zoning regulations?

(d) What benefits would the city as a whole receive from development effectuated under the proposed amendment?

(e) Does the cost-benefit relationship indicate that the proposed zoning amendment would be in the public interest cover the long-term?

(E) *Public hearing by City Council.* Before enacting an amendment to the Zoning Code, the City Council shall hold a public hearing. There shall be at least a minimum of 15-days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality. The property shall also be posted in a prominent place 15 days prior to the date of the public hearing. The adjacent and adjoining property owners shall be notified by first class mail 15 days prior to the public hearing. The City Council may, at its discretion, delegate the power and responsibility to hold the required public hearing to the Planning Commission for any or all amendments. In such cases as the Planning Commission conducts the Public Hearing, the City Council shall not be required to hold another before acting on the recommendation. This is permissive, however, and certainly does not preclude the City Council from conducting its own public hearing on the amendment.

(Pursuant to SC Code 6-29-760, 1976 as amended)

(F) *Changes in the zoning map.* Following final action by the City Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Planning Department. Refer to § 151.016.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

§ 151.999 PENALTY.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined up to $200 or up to 30 days in jail or both, as determined by the court for each offense. Each day such violation continues shall constitute a separate offense.

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

APPENDIX A: REQUIREMENTS BY DISTRICT; RR, R-1 Acre; R-25, R-20, R-15, and R-6:

Zoning District:		*Rural sidential*	*-1 Acre ne-family*	*R-25 One-family*	*R-20 One-family*	*R-15 One-family*	*R-6 One-family*
Minimum lot per size	Minimum. Area in sq. ft.	5 acres	1 acre	25,000	20,000	15,000	6,000
	Width in ft.	100 C	100 C	100 C	80 C	70 C	70 C
Minimum yard setback per lot in ft.	Front	50	50	50	40	35	5
	Side	15	15	15	15	10	10
	Rear	40	40	40	40	35	35
Maximum height of building in ft.		35	35	35	35	35	35
Maximum percentage of lot coverage by all buildings		35%	35%	35%	35%	35%	30%
Minimum sq. ft. per home		1400	1400	1400	1200	1800	800

Notes:
A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter.
B - Total for both is a minimum of 25 feet.
C - Width of lot to be measured at the front setback line, but in no case is the lot to be less than 25 feet at the right-of-way line.

APPENDIX B: REQUIREMENTS BY DISTRICT; GR, RM, NC

Zoning District		*GR Two families*	*RM ultiple families*	*NC Neighborhood Commercial*
Minimum lot per size	nimum area in sq. ft.	5,000	15,000	8,000
	Width in ft.	60 C	75 C	60
imum yard setback per lot in ft.	Front	30	35	40
	Side	10	10 A	10 B
	Rear	25	35	20
ximum height of building in ft.		35	50	40
m percentage of lot coverage by all buildings		35%	35%	NA
Minimum sq. ft. per home		480	NA	NA

Notes:
A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter.
B - Total for both is a minimum for 25 feet.
Width of lot to be measured at the front setback line, but in no case is the lot to be less than 25 feet at the right-of-way line.

APPENDIX C: REQUIREMENTS FOR COMMERCIAL DISTRICTS & PLANNED UNIT DEVELOPMENTS

Zoning District		*C Highway Commercial*	*CC Core Industrial*	*LI Light Industrial*	*PUD Planned Unit Developments*
Minimum lot per size	nimum area in sq. ft.	5,000	NA	40,000	87,120
	Vidth in ft.	100	NA	100	NA
Minimum yard setback per lot in ft.	Front	40	NA	100	NA
	Side	10 B	NA	50	NA
	Rear	10	NA	10 B	NA
Maximum height of building in ft.		40	55	55	35
Maximum percentage of lot coverage by all buildings		NA	NA	NA	35%
Minimum sq. ft. per home		NA	NA	NA	NA

Notes:
A - Side yard setback to be 10 feet for the first story and five feet for each story thereafter.
B - Total for both is a minimum for 25 feet.
C - Width of lot to be measured at the front setback line, but in no case to be less than 25 feet at the right-of-way line.

(Am. Ord. 2002-07-16-01, passed 8-20-2002; Am. Ord. 2008-12-16-04, passed 12-16-2008; Am. Ord. 2010-07-02-05, passed 7-20-2010)

APPENDIX D: OFF-STREET PARKING REQUIREMENTS

Principal Use	*Required Off-Street Parking*
Auditorium, theater, places of public assembly	ace for each four seats based on maximum capacity
Auto service station, full service	ces for each gasoline pump, plus three spaces for each service rack or wash rack
Auto service station, self-service	Two spaces for each gasoline pump
service station self-service with convenience store	aces for each gasoline pump plus one space for each 300 square feet of gross floor area
Child care centers	pace for each four children per maximum capacity
Church	ace for each four seats based on maximum capacity
nitory, fraternity or sorority house, or other group dwelling	One space for each bedroom or sleeping room
Dwelling unit, multi-family	l one-half spaces for each efficiency or one-bedroom nit; two spaces for each two-bedroom unit and one additional space for each additional bedroom
Dwelling unit, single-family and two-family	Two spaces for each dwelling unit
Financial institution	ne spacer per 300 square feet of gross floor area

Funeral home	aces minimum, plus one space for each four seating capacity in the main assembly room
Grocery, convenient	space for each 100 square feet of gross floor space
Grocery or supermarket	space for each 150 square feet of gross floor space
Hospital	ce for each patient, bed, plus one space for each 300 square feet of office and administrative area
Hotel, motel, or motor court	l one tenth space per rental unit plus requirement for any uses associated with the establishment
ndustrial, manufacturing, and processing uses	e spacer per 600 square feet of gross floor area
Mobile home park	aces for each mobile home space, plus one space for each two employees
Nursing home	One and one tenth space for each patient bed
Office and professional building	e space per 250 square feet of gross floor area
Office, medical or dental	Five spaces per doctor or dentist
or private club, not dispensing alcoholic beverages	space for each 300 square feet of gross floor area
Public utility building	e space per 300 square feet of gross floor area
Recreation	
Bowling alleys	Five spaces for each bowling lane
eral outdoor recreational areas, parks, and the like	e space for each 5,000 square feet of land area
Golf course	paces for each hole, plus requirements for any other associated use
or outdoor swimming pools (except when built as an accessory to a residential use)	ce for 100 square feet of water area or one space per four spectator seats, whichever is greater
Softball, baseball, or football fields	ce per 3,000 square feet of field area or one space per six spectator seats, whichever is greater
is courts: Indoor or outdoor (except when built as an accessory)	paces per court or one space per four spectator seats, whichever is greater
Residential, for Boarding House & Short-Term Rental Use	One space per bedroom, including the bedrooms belonging to the Owner and dependents
Restaurants, all others	space for each 100 square feet of gross floor area
rants, fast-food types including those with drive-ins and/or distinguished by disposable dishware	space for each 50 square feet of gross floor area
Retail store and personal service shops	e space per 200 square feet of gross floor area
Sales and service not listed elsewhere	e space per 200 square feet of gross floor area
Schools	
Colleges or Universities	comparable building uses as prescribed elsewhere in this schedule
Elementary and Junior High	o spaces per 200 square feet of gross floor area
Senior High, Business and Vocational	ce for each vehicle operated by or for the school, plus spaces per classroom, plus two spaces per office plus ne space for every four seats of maximum seating capacity in the main assembly room
Shopping Center	space for each 200 square feet of gross floor space
s, discos, night clubs and/or public or private clubs (dispensing alcoholic beverages)	ing spaces equal to 30% of capacity in persons as determined by the fire marshal
lesaling, warehousing and distribution operations	e space per 500 square feet of gross floor area
king space requirements for a use not specifically listed above shall be the same as for listed use of similar characteristics of parking demand generations.	

(Am. Ord. 2002-07-16-01, passed 8-20-2002)

CHAPTER 152: SIGN REGULATIONS

GENERAL PROVISIONS

§ 152.001 PURPOSE.

(A) The regulations herein shall apply and govern all signs located in the city. This section establishes the standards for the design, location, and characteristics of signs that are permitted as principal or accessory uses. No sign is permitted in the city except in conformity with this section.

(B) The purposes of these sign regulations are to:

(1) *Encourage effective communication.* Encourage the effective use of signs as a means of communication in the city;

(2) *Maintain a pleasing appearance.* Maintain and enhance the pleasing look of the city, which attracts to the city major events of local, regional, and statewide interest;

(3) *Attract business.* Preserve Westminster as a community that is attractive to business;

(4) *Improve safety.* Improve pedestrian and traffic safety;

(5) *Minimize adverse effects.* Minimize the possible adverse effects of signs on nearby public and private property; and

(6) *Ensure compatibility.* Ensure that signs in the community are compatible with the high quality image that the city seeks and in which the city continuously invests.

(7) *Freedom of speech.* It is not the purpose or intent of this chapter to impede or diminish any Constitutional Rights afforded to any individual or entity.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.002 SIGN DEFINITIONS.

(1) ***BUSINESS IDENTIFICATION PYLON SIGN.*** A ***BUSINESS IDENTIFICATION PYLON SIGN*** is a sign that contains the name of the business enterprise located on the same premises as the sign erected on a single pole or multiple poles, which contains only the names, or the nature of the business conducted in the premises on which it is located.

(2) ***BUSINESS IDENTIFICATION SIGN.*** A ***BUSINESS IDENTIFICATION SIGN*** is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

(3) ***FREESTANDING SIGN STRUCTURE.*** A ***FREESTANDING SIGN STRUCTURE*** may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A ***FREESTANDING SIGN STRUCTURE*** is one sign.

(4) ***ILLUMINATED SIGN.*** When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an ***ILLUMINATED SIGN.***

(5) ***PORTABLE SIGN.*** A moveable sign placed on a temporary basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.

(6) ***SIGN AREA.*** The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.

For the purposes of this section, certain terms and words are hereby defined. As used in this section, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

ABANDONED SIGN. A permanent principal use sign on property containing a building or activity that has ceased operations. Permanent principal use signs on property shall be considered abandoned when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a six-month period.

ADVERTISING DEVICE. Any structure or device erected or intended for the purpose of displaying advertising or for which is designed to or attracts attention to the premises, situated upon or attached to real property. For purposes of this chapter, an advertising device is a "sign."

ANIMATED SIGN. A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness, or color. This definition does not include a "swinging sign" or "multiple message sign" as defined by this section.

AREA OF SIGN. The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed. For double-faced signs, only the largest display face shall be measured in computing the sign area, or only one face shall be measured in computing sign area if the display faces are the same size. The display of street address on a ground sign, wall, or window shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN. An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this section, "awning signs" shall be considered "wall signs."

BANNER. A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this code section, a "banner" is a "sign" and as such shall be considered only as a temporary sign when used outdoors.

BUILDING MARKER. Any sign cut into a masonry surface or made of bronze or other permanent material.

BUSINESS IDENTIFICATION PYLON SIGN. A ***BUSINESS IDENTIFICATION PYLON SIGN*** is a sign that contains the name of the business enterprise located on the same premises as the sign erected on a single pole or multiple poles, which contains only the names, or the nature of the business conducted in the premises on which it is located.

BUSINESS IDENTIFICATION SIGN. A ***BUSINESS IDENTIFICATION SIGN*** is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.

CANOPY, ATTACHED. A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered "wall signs" for the purposes of this section.

CANOPY, FREESTANDING. A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered "wall signs" for the purposes of this section.

CANOPY SIGN. A sign on a canopy. For purposes of this section, a sign on a canopy is a "wall sign" (see figure, "Types of Attached Signs").

DERELICT SIGN. A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the jurisdiction.

DIRECTORY SIGN FOR MULTI-TENANT DEVELOPMENT. A sign, distinguished from a project entrance sign, which is allowed on a premise with more than one tenant or occupants of a building. It may be freestanding or a building (wall) sign. Such signs are not usually visible from the public street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle.

DOUBLE-FACED SIGN. A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure.

FLAG. A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this chapter, except as otherwise provided herein, a FLAG is a "sign."

FREESTANDING SIGN STRUCTURE. A ***FREESTANDING SIGN STRUCTURE*** may contain a sign or signs on one side only or it may be an A-shaped structure or one containing signs back to back. A ***FREESTANDING SIGN STRUCTURE*** is one sign.

FRONTAGE, BUILDING. The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

FRONTAGE, ROAD. The distance in linear feet of each lot where it abuts the right-of-way of any public street.

GROUND SIGN. A permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

HEIGHT OF SIGN. The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

HOLIDAY DECORATIONS. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent.

ILLUMINATED SIGN. When artificial illumination techniques are used in any fashion to project the message on a sign, that sign shall be an ***ILLUMINATED SIGN.***

INFLATABLE SIGN. Any sign that is or can be filled with three cubic feet or more of air or gas.

INTERNALLY ILLUMINATED SIGN. A sign illuminated by an internal light source which is viewed through a translucent panel.

LANDSCAPED ISLAND. The area directly under and surrounding a sign. This area may be landscaped with grass; mulch (natural or synthetic); gravel or any such material as to provide coverage of the area disturbed during the erection of any sign.

MARQUEE SIGN. A sign painted on, attached to, or hung from a marquee. For purposes of this chapter, ***MARQUEE SIGNS*** shall be considered "wall signs."

MONUMENT SIGN. A sign where the structural part of the sign below the sign face encompasses an area at least 40% of the area of the sign face but no more than one and one half times the area of the sign face, and which is composed of brick, stone, or other material approved by the Zoning Official. A ***MONUMENT SIGN*** is a ground sign.

MULTIPLE MESSAGE SIGN. A sign, display, or device which changes the message or copy on the sign electronically by movement or rotation of panels or slats.

NONCONFORMING SIGN. Any sign which lawfully existed on the effective date of this chapter but which does not conform to the provisions of this chapter, or which does not comply with this chapter due to amendments to this chapter since the date of erection of the sign.

PENNANT. A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this chapter, pennants are "signs."

PORTABLE SIGN. A moveable sign placed on a temporary basis on a lot, such sign being attached to a chassis with wheels or to a vehicle or designed to be transported from one location to another for uses generally accorded to signs.

(1) Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

(2) In addition, the following shall be deemed a portable sign: A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function.

PORTICO. A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. Signs attached to porticos are considered "wall signs" for purposes of this chapter.

PRINCIPAL USE SIGN. Any notice or advertisement, which is permitted in conjunction with (but not necessarily containing copy specifically related to a single principal use or single principal building located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this chapter.

PROJECT ENTRANCE SIGN. A sign located at a discernible entrance into a property consisting of more than one subdivided lot or developed with more than one principal building (e.g., a particular residential subdivision, multi-family residential development, or office or industrial park.

PROJECTING SIGN. A sign projecting more than 14 inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located (see also figure, "Types of Attached Signs").

ROOF SIGN. A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

SIDEWALK SIGN. A movable sign not secured or attached to the ground or surface upon which it is located.

SANDWICHBOARD SIGN. Any sign designated or constructed in such a manner that it is hinged at the top and can be moved or relocated without involving any structural or support changes.

SIGN. A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this chapter. For purposes of this chapter, the term "sign" includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers. Signable area: In the case of a wall sign, signable area shall be the building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area within each individual window frame, not the total window area of all building windows visible from a street.

SIGN AREA. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.

SIGN FACE. That part of a sign that is or can be used for advertising purposes.

STREAMERS. See "Pennants."

SWINGING SIGN. A sign other than an animated sign as defined by this chapter, where the sign copy area is attached to a sign structure in a way that can be set in motion with pressure, and where the sign structure is attached to a building at a height above normal eye level. This term does not include any freestanding signs. A ***SWINGING SIGN*** may be considered in lieu of permitted wall signage.

TEMPORARY SIGN. A sign of a nonpermanent nature and erected for a limited duration.

VISIBLE. Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

WALL SIGN. A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall or portico and does not project more than 14 inches from the outside wall of such building or structure, or if on an awning or canopy, is flush with the material of said awning or canopy (see also figure, "Types of Attached Signs").

WINDBLOWN OR AIR-BLOWN DEVICE. Any device not otherwise specifically defined in this Code Section, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind or mechanically compressed air. For purposes of this Code Section, windblown devices are "signs."

WINDOW SIGN. A sign installed on or within two feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two feet from an exterior window or door shall not be classified as window signs (see also figure, "Types of Attached Signs").

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

SIGN STANDARDS

§ 152.010 GENERAL PROVISIONS.

(A) A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way unless otherwise noted, and shall be issued by the Zoning Administrator in accordance with this chapter.

(B) All signs shall be constructed and installed in accordance with the structural and safety requirements of the International Building Code. All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it requires repairs or renovations in an amount that exceeds 50% of its current replacement cost. This includes signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. Signs that deteriorate to such a condition that they are in violation of this chapter shall be removed, repaired, or replaced within 60 days. If a sign is repaired or replaced, it shall comply with the standards in this section at the time of replacement.

(C) No part of a freestanding sign, while permitted in required setbacks, shall be located closer than ten feet to any property line.

(D) No signs, except as otherwise provided, shall exceed the height limitations of the district in which they are located.

(E) Illuminated signs or sign lighting devices shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed or beamed upon a public road, highway, sidewalk or adjacent premises or residence, or skyward so as to cause a traffic hazard or nuisance.

(F) The placement of signs shall ensure visibility at intersections and ingress and egress drives in accordance with § 152.068.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.011 APPLICABILITY.

(A) *General.* Unless exempted in accordance with this chapter, no sign allowed by this section shall be erected, repaired, altered, relocated, maintained or displayed without first being issued a sign permit and complying with the relevant standards of this section.

(B) *Responsibility for compliance.* Review for compliance with the standards of this section shall occur at the time of application for a sign permit, site plan, minor subdivision, and preliminary plat for subdivision, planned development or zoning permit, whichever is appropriate.

(C) *Termination.* If a business discontinues the use of a site, signs used by the business that were previously erected on the site, or off-premise freestanding signs shall be considered as abandoned and shall be removed or covered within 180 days of vacation of the site. It shall be the responsibility of the owner of the land to remove all abandoned signs.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.012 PROHIBITED SIGNS.

The following signs are prohibited in the city unless otherwise permitted by City Council.

(A) *Signs imitating warning signals.* No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other phrase, symbol, or character in a manner that might mislead or confuse the driver of a motor vehicle.

(B) *Flashing, animated or moving signs.* Flashing, animated, non-stationary or rotating signs or appurtenances to signs, or signs that are not effectively shielded to prevent beams or rays of light from being directed at the main-traveled way of the street and that are of such intensity or brilliance as to cause glare or to impair the vision of any driver of any motor vehicle, or which may otherwise interfere with any driver's operation of a motor vehicle or pose a hazard to traffic safety. This includes signs or other displays with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights or beacons.

(C) *Signs in the public rights-of-way.* No signs, whether temporary or permanent, except traffic signs, signals, or information signs erected by a public agency approved by the Zoning Administrator are permitted within any street or highway right-of-way including bridges and overpasses.

(D) *Signs obscuring official signage/signals.* Signs located or illuminated to interfere with the effectiveness of or obscure an official traffic sign, device or signal, such as by providing a background of colored lights blending with traffic signal lights or that might otherwise reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 400 feet.

(E) *Signs inside sight triangles.* On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half and eight feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

(F) *Certain attached and painted signs.* Signs painted on or attached to trees, fence posts, and telephone or other utility poles, rocks or other natural features, the roofs of buildings, pavement of any street or sidewalk, or on other unapproved supporting structures outside of the public right-of-way.

(G) *Fluttering ribbons and banners.* Fluttering ribbons, banners, wind-blown or air-blown devices, or similar devices are prohibited within the NC, HC, CC, and LI Districts, except the flags of governments and their agencies or as otherwise listed in this chapter for special events. Placement of banners on or between sign supports, buildings, utility poles, or otherwise outside of the allowed sign face is prohibited.

(H) *Vehicular signs.* Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes.

(I) *Portable signs.* Portable signs will not be allowed as freestanding on-premises signs within the city limits.

(J) *Billboards.* New billboards are prohibited. Billboards, for the purposes of this chapter, are signs used for off-site advertising for hire or general advertising; and the sign is a principal use of a parcel. Companies have the right to maintain any non-conforming billboard sign in existence at the time of adoption of this chapter. However, this right shall be terminated and cease to exist when the billboard structure is destroyed or is damaged. A billboard structure is considered damaged when the structural support has failed either by fracture or exceeding its yield point. No nonconforming billboard shall be structurally altered, enlarged, moved or replaced.

(K) *Roof signs.* No signs are permitted on the roofs of any building.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.013 SIGNS FOR WHICH A PERMIT IS NOT REQUIRED.

(A) Including one home occupation sign as allowed in this division (17).

(B) A permit is not required for the following types of signs in any zoning district. However, such signs shall conform to the applicable requirements set forth in this section.

(1) Traffic, directional, warning, or information signs authorized by any public agency.

(2) Traffic safety and traffic directional signs (including direction of travel, speed limits, and the like) along private streets and driveways, and in off-street parking lots that are installed per the requirements of the Zoning Administrator and which do not exceed four square feet each.

(3) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of their duty.

(4) One non-illuminated "for sale,", "for rent", or "for lease" sign not exceeding six square feet in area in residential districts and 20 square feet in other than residential districts and located at least ten feet back from the street right-of-way line, unless attached to the front wall of a building. In addition, realty directional signs not to exceed two square feet are allowed from 6:00 a.m. Friday until 6:00 a.m. Monday of any calendar week at the intersections or subdivision entrance leading to the property being advertised. Real estate signs must be removed within seven days following the property closing.

(5) Signs erected in connection with elections or political campaigns. A "Political Sign Application" must be completed with an accompanying map indicating the locations of all the signs. A cash (or money order) performance bond must be posted with the City Treasurer in the amount of $250. This is refundable in its entirety after the city has been notified of the removal and has verified such removal of all the candidate's signs. Such signs shall be removed within seven days following the election or conclusion of the campaign. After the seven days have expired and all of the signs have not been removed, the bond will be cashed by the city and the city will use those funds to defray the costs of removal and disposal. No such sign may exceed 16 square feet in surface area. In accordance with S.C. law, no such political signs shall be placed within 200 feet of any building in which an election poll is being conducted. Signs are not permitted in the public right-of-way and must be confined to private property with the permission of the property owner. Efforts shall be made to contact the campaign headquarters for any signs that shall appear within the city limits that have not been covered by a performance bond. When contacted, notice shall be given to the campaign headquarters that the required performance bond payment shall be made within ten days of the notice or the campaign signs will be removed. If efforts to contact the campaign headquarters are unsuccessful, the efforts to contact them shall be documented and the campaign signs will be removed after ten days. Furthermore, any such campaign signs that have been removed by the city shall be held for an additional ten days and then, if not retrieved by the campaign personnel, the signs shall be discarded.

(6) (a) On site directional signs provided such sign bears no commercial message and does not exceed four square feet in area. Also, signs not oriented or intended to be legible from a public right-of-way, private road or private driveway, including signs or stickers which are designed to be read only from close range (i.e., five feet), attached to a device or structure more than 25 feet from the right-of-way of a road, not to exceed four square feet each sign or sticker. Examples include but are not limited to the following: lettering, credit card stickers, and inspection certificates on gasoline pumps; "flammable" signs on enclosures for fuel canisters, and similar information.

(b) Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product. Display/ menu boards located next to drive-through lanes are

allowed provided they do not exceed six feet in height or 36 square feet in area and shall be limited to one per ordering station.

(7) Sandwich board signs are allowed in all commercial zoning districts. They will be limited to a maximum area of nine square feet in area per side and cannot exceed 42 inches in height. They shall not be placed more than five feet from the front primary entrance of the business and be displayed only during business hours of the business utilizing the sandwich board. Only one sandwich board sign per business is allowed and they shall not be allowed within a roadway or public right of way, except in cases where the Zoning Administrator may approve a permit for it to be located within a public sidewalk directly adjacent to a business. In such cases it shall not be placed so as to cause the width of the sidewalk to be reduced below four feet in width, not shall it prevent free ingress or egress from any door, window or fire escape.

(8) Street address identifiers and building identification numbers on multi-tenant buildings located in the NC, HC, CC, and LI Districts, which are essential to the location of such buildings as long as such sign does not exceed four square feet of copy area and do not contain a commercial message.

(9) Bulletin boards, which are defined as permanent signs which primarily display the name of a noncommercial place of public assembly and announces the upcoming events of that organization but is not intended to be read from the public right of way. To not require a permit, such a sign shall not exceed 15 square feet of copy area or five feet in height. Signs of this type shall be restricted to one per parcel of land.

(10) Signs to identify a new subdivision development or announcing new buildings or projects, erected after the commencement of construction. Signs will not exceed 25 square feet in residential districts, or 100 square feet in non-residential zones, is not illuminated and shall be set back at least ten feet from any street right of way or boundary line of the subdivision land. The signs may not be illuminated and must be removed prior to the completion of 90% of the development or upon erection of the approved subdivision ground sign, whichever occurs first.

(11) Signs identifying a project under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., as long as such sign does not exceed 25 square feet in residential districts, or 100 square feet in non-residential zones, is not illuminated, and is removed within 30 days of receipt of certificate of occupancy. Each construction site shall be limited to one construction sign per road frontage.

(12) Signs on the interior side of window glass are permitted. Signs may be hung inside the window, painted, affixed, or etched on the glass, or included within stained glass. The signage shall cover no more than 25% of the total window area on the side of the building on which it is displayed. For commercial zoning districts and uses, such signs can advertise the business, merchandise, services, and/or events within the business/institute or within the community, help wanted, coming soon, open/closed, going out of business, real estate, contractor/builder, auction, warning, directions, short-term personal information/event signs, and expressive/seasonal signs.

(13) Decorative flags and banners which contain no commercial message when displayed on a residence or at the entrance to a subdivision or apartment complex.

(14) Holiday lights and decorations.

(15) Handicapped parking signs, when required per local, state or federal law.

(16) (a) Murals may be painted on the walls of buildings provided that said murals are non-advertising and do not display lewd or illegal portrayals. Murals depicting historical events from the city, the state or the nation are encouraged. All murals must receive prior approval from the Planning Commission.

(b) In any case where a sign of a certain size is exempted by this section and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed, said sign shall only be permitted upon approval of a variance in accordance with the provisions of this chapter.

(17) One allowable home occupation sign, provided it is non-illuminating, no larger than four square feet and mounted against a wall of the principal building shall be allowed.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-03-20-01, passed 3-20-2012)

REGULATIONS APPLYING TO SPECIFIC TYPES OF SIGNS

§ 152.020 GENERAL PROVISIONS.

A permit shall be obtained prior to the erection, installation, or display of any signs except those as described in § 152.012. The following permanent signs and no others shall be allowed, subject to the issuance of a sign permit and compliance with all applicable development standards of this article. The following regulations apply to the following specified types of signs.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.021 WALL SIGNS.

Signs on the wall of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

(A) *Allowable area.* If there is no ground sign on the site or developed lot, one and one-half square feet of wall signage shall be permitted for each lineal foot of the building front of the principal building. If a ground sign is on the site or developed lot, then only one square foot of wall signage shall be permitted for each lineal foot of the building front of the principal building.

(B) *Double frontage lots.* With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this section.

(C) *Signs on the front surface of a building.* The total area of signs on the exterior front surface of a building shall not exceed 20% of the front surface of the building, as long as the figure does not exceed the total amount of sign area permitted within the zoning district where the sign or signs are to be located.

(D) *Signs on the side and rear surface of a building.* The total area of signs on a side or rear surface of a building shall not exceed 25% of the exterior side or rear surface of the building, respectively, as long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.

(E) *Projecting signs.* Wall signs attached flat against a wall may extend not more than 24 inches from the wall. Signs projecting from a wall may be located no closer than 18 inches to a vertical plane at the street curb line. A projecting sign shall not extend above the top of the structure. In no case shall signs project beyond property lines except that signs may project over public sidewalks in the CC district provided that the minimum height above grade or sidewalk level of such signs shall be at least ten feet.

(Ord. 2011-07-26-01, passed 7-26-2011)

§152.022 GROUND SIGNS.

(A) One ground sign is allowed for each developed site, lot or parcel. Where a site or parcel fronts on more than one street, one additional ground sign is permitted for each additional street upon which is fronts.

(B) With regard to ground sign allowances, if a property faces more than one road frontage, each road frontage shall be permitted to have the number of signs and sign area specified for such property in this chapter.

(C) Where two or more detached buildings occupy the same lot or parcel, only one ground sign for the aggregate business shall be permitted per street frontage.

(D) Where two or more attached buildings occupy the same site, lot or parcel, only one ground sign for the aggregate business shall be permitted per street frontage.

(E) The sign area allotted to one road frontage or building frontage shall not be transferred to another road frontage or building frontage.

(F) Landscaped islands shall be required to be placed around all new signs within 30 days of sign erection. Shrubbery and/or plantings must not exceed a height that would interfere with foot or vehicle traffic or visibility of the sign. At any time an existing sign is altered or improved, not including regular maintenance, the landscaped island must be installed in accordance with the requirements for a new sign within 90 days of notification from the Zoning Official.

(G) Free-standing signs shall meet International Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.023 SIGNS ON CORNER AND DOUBLE-FRONTAGE LOTS.

(A) *Wall signs.* With regard to wall sign allowances, if a building, structure, or freestanding canopy faces more than one road frontage, each wall facing a road frontage shall be permitted to have the sign area specified for such building, structure, or freestanding canopy in this section.

(B) *Ground signs.* With regard to ground sign allowances, if a property faces more than one road frontage, each road frontage shall be permitted to have the number of signs and sign area specified for such property in this chapter.

(C) *Transfer of allowances between road frontages.* The sign area allotted to one road frontage or building frontage shall not be transferred to another road frontage or building frontage.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.024 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

Within residential districts as delineated by the Westminster Zoning Ordinance, permanent signs are permitted subject to the provisions as set forth herein.

(A) Signs for which permits are not required.

(B) Signs may be permitted at the main entrances to subdivisions or to planned unit or multi-family developments that consist of 36 or more dwelling units subject to the approval of the Westminster Zoning Official. One sign may be permitted, on each side of any entrance, if such sign is on private property. No such sign may be located in a median unless approved by the Westminster Zoning Official.

(1) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be landscaped. A large residential sign

shall not exceed 75 square feet in size. The maximum height of such sign shall be four feet when constructed as a ground sign. A ground sign which is integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet.

(2) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure.

(C) For multiple family dwellings, group dwellings, mobile home parks, attached dwellings/ duplexes and for buildings other than dwellings, one non-illuminated business identification sign or bulletin board per entrance, not exceeding 24 square feet in area. Such sign or bulletin board shall be set back at least ten feet from any street right-of-way line.

(D) (1) A public facilities activity as defined by Chapter 94, may have one civic sign constructed as a ground sign and one as a wall sign. A ground sign shall not exceed four feet in height and 48 square feet in size. Ground signs which are integrated into a brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of seven feet. Ground signs may not be located in the right-of-way. Civic signs shall be set back from the street right-of-way a minimum of ten feet.

(2) A wall sign shall not exceed 32 square feet in size. Civic signs may be illuminated by indirect means or with luminous background. Indirect lighting shall not exceed 50 foot candles, and a luminous background shall not exceed 90 foot lamberts in brightness. In no event shall the light from any sign exceed one foot candle at the lot line.

(E) A home occupation sign in a residential district is permitted provided the dimensions do not exceed four square feet. Only one sign per residence is authorized.

(Ord. 2011-07-26-01, passed 7-26-2011)

SIGNS PERMITTED IN NON-RESIDENTIAL ZONING DISTRICTS

§ 152.030 PERMITTED SIGNS AND CONDITIONS.

The following types of signs are permitted in the commercial and industrial districts:

(A) *Permitted signs.* All signs permitted in residential districts are permitted in commercial and industrial districts.

(B) *Allowable area.* In addition to the limitations addressed in §§ 152.021, 152.022, and 152.023, freestanding signs are allowed in commercial districts with allowable space as set forth by the following table:

Zoning District	Number or Street Frontages	
	One Street	Two Streets
C, Neighborhood Commercial	75	75 each street
HC, Highway Commercial	32	75 each street
CC, Core Commercial	75	75 each street
LI, Light Industrial	32	75 each street

(C) *Electronic message boards.* Electronic message boards (EMB) are signs that convey a changing message intended to be viewed off-site or attract the attention of motorists including but not limited to EMBs specifically

designed to enhance motorist safety and performance; EMBs intended for on-site viewing located outside of all building setbacks; time and/or temperature signs located outside all building setbacks, and EMBs similar to that of a manually changeable sign face on traditional commercial signage. EMBs are permitted with the following conditions:

(1) Only one such sign shall be permitted per developed lot whether installed as a wall sign or part of a free standing sign on the site.

(2) The maximum square footage allowed is 1/2 of the maximum square footage allowed by the zoning classification.

(3) To protect the integrity of the Downtown District, no EMBs will be allowed within the CC District.

(4) Off-premise advertising is prohibited.

(D) *Illuminated signs in commercial districts.* Signs in commercial districts may be illuminated subject to the following standards:

(1) Exposed bulbs are prohibited with the exception of neon lights meeting the following illumination requirements.

(2) No sign shall change color or intensity.

(3) The brightness and surface illumination shall not exceed:

(a) Luminous background - 150 foot lamberts.

(b) Indirect Illumination - 50 foot candles.

(4) In no event shall the light from any illuminated sign exceed one foot-candle at the property line of any lot that is zoned residential.

(5) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(6) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

(a) One permanent price sign per street frontage. Such sign shall be affixed to or made part of the permitted pole sign and shall not exceed 20 square feet in size. Such sign shall be setback from the right-of-way a minimum of ten feet.

(b) Two non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed 160 square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than 80 square inches per sign shall be allowed on each pump.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2013-03-12-02, passed 3-12-2013)

§ 152.031 SIGNS IN THE CORE COMMERCIAL DISTRICT.

The following regulations shall apply to all signs located within the Core Commercial District.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.032 DESIGN GUIDELINES FOR SIGNS.

(A) When feasible, place a wall sign such that it aligns with others on the block. If decorative moldings exist that could define a sign panel, locate a flush-mounted sign to fit within the panel formed by the moldings or transom panels.

(B) Window signs may be painted on the glass or hung inside the window and should cover no more than 25 percent of the total window area.

(C) Projecting signs may be considered. Small projecting signs should be located near the business entrance, just above the door or to the side of it while large projecting signs should be mounted higher and centered on the façade or positioned at the corner.

(D) Signs not attached to buildings should be ground mounted signs that are no more than 20 square feet in area and five feet in height All ground mounted signs shall be located a minimum of five feet behind the street right-of way. No ground-mounted sign greater than five square feet in area shall be located closer than ten feet to any adjacent lot line. A 15 foot side-yard setback shall be required if the side lot line abuts a residential district. An arm sign may be substituted for a ground mounted sign but shall meet all height and area requirements as provided. The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

(E) All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.

(F) No commercial sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

(G) Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except government signs and signs which give time and temperature information) are prohibited. If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three seconds in time before switching to the other message.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

TEMPORARY SIGN PROVISIONS

§ 152.040 GENERAL REQUIREMENTS.

Temporary signs shall be allowed for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(A) A permit shall be required for all temporary signs except as permitted in this chapter.

(B) The sign permit for banners that are used outdoors shall be limited to 30 days. Thereafter, the permit may be renewed for additional six-month periods with the payment of additional permit fees. Banners which are used indoors do not need a sign permit but if hung within one foot of the interior side of window glass must conform to the window coverage limitation cited in § 152.032.

(C) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(D) No temporary sign shall be displayed on a roof.

(E) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, and the like, and shall be limited to one signs per road frontage. Signs must be removed within 30 days of receipt of certificate of occupancy.

(F) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.041 SPECIAL EVENT SIGNAGE.

Temporary signs and advertising devices may be permitted on properties in the HC, NC, CC, and LI Districts subject to the issuance of a special event sign permit by the Zoning Official. Such temporary signs and advertising devices shall conform to the following:

(A) Three special event sign shall be allowed per approved event. Shall it become necessary, the Event Chairperson or designee, shall make a request to the Zoning Official for any additional sign requirements. It shall be at the discretion of the Zoning Official to approve or disapprove the additional sign request. Special Event signage will be limited to six special events per year for each applicant.

(B) No special event sign permit shall be valid for more than 30 days.

(C) One banner shall be permitted per lot, which shall not exceed 32 square feet in area or 15 feet in height. Such banner may be temporarily placed or attached to a building wall, window, or ground sign, or it may be freestanding between two poles or stakes; or

(D) One gas or air-filled advertising device may be permitted per lot, not to exceed a height of 15 feet.

(E) Pennants, streamers, and other wind-blown devices shall not be permitted as part of a special event sign permit.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.042 DISPLAY SURFACE AREA, HEIGHT, AND ILLUMINATION.

(A) Maximum display surface area shall be 32 square feet total on any lot except for street banners which shall not be limited.

(B) Temporary signs shall not be illuminated except in commercial or industrial districts.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.043 LOCATION OF TEMPORARY SIGNS.

No temporary sign shall be located closer than ten feet from any public right of way except in zoning districts as established by the Westminster Zoning Ordinance which have a front building setback established at less than ten feet. In these districts, the front setback for the temporary sign shall be equal to the front setback as established for the zoning district.

(Ord. 2011-07-26-01, passed 7-26-2011)

NONCONFORMING AND NON-COMPLYING SIGN PROVISIONS

§ 152.050 GENERAL PROVISIONS.

Any sign lawfully existing at the time of the enactment of this chapter or any amendment thereto but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations herein shall be classified as either nonconforming or non-complying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Enforcing Officer utilizing certain appropriate sections of the adopted building code, the Westminster Code of Ordinances, and/or various provisions of this chapter deem such signs as being dilapidated or constituting a hazard to the public. Nonconforming signs which are exempted from the requirements of this chapter by reason of their existence prior to the enactment of this chapter shall no longer be exempted from compliance in the event that ownership of the premises where the sign is displayed changes. Signs that do not conform to § 152.012(E) and § 152.068 are not given "grand-fathering" protection.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

§ 152.051 BILLBOARDS.

Billboards, for the purposes of this chapter, are signs used for off-site advertising for hire or general advertising; and the sign is a principal use of a parcel. Companies have the right to maintain any non-conforming billboard sign in existence at the time of adoption of this chapter. However, this right shall be terminated and cease to exist when the billboard structure is destroyed or is damaged. A billboard structure is considered damaged when the structural support has failed either by fracture or exceeding its yield point. No nonconforming billboard shall be structurally altered, enlarged, moved or replaced. Upon adoption of this chapter, no billboards, other than those existing at the time of enactment, shall be allowed within the municipal limits.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.052 ALTERATIONS TO NONCONFORMING AND NON-COMPLYING SIGNS.

A nonconforming or non-complying sign may be altered subject to the following conditions:

(A) That the degree of nonconformance or noncompliance is not increased as applied to on-premises signs. Such alterations are limited to the changing of a copy of a permitted changeable copy sign, or the painting or refinishing of the surface of a sign face or sign structure so as to maintain an adequate appearance. The alterations of advertising signs which are nonconforming or non-complying must adhere to all the requirements cited in the chapter. In all cases, the business owner shall obtain a sign permit in accordance with the terms of this chapter.

(B) If any nonconforming sign is removed as per the requirements of this chapter or for any other reason, with the exception of billboards, any new sign shall be required to conform with this chapter upon replacement of the sign.

(C) If any non-complying sign is removed it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this section.

(Ord. 2011-07-26-01, passed 7-26-2011)

CALCULATION OF DISPLAY AREA FOR SIGNAGE

§ 152.060 GENERAL PROVISIONS.

The sign face area shall be the advertising display surface of the sign.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.061 SIZE OF SIGN FACE AREA.

In the case of freestanding signs, the sign face area consists of the entire surface area of the sign on which copy could be placed.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.062 SUPPORTING STRUCTURE NOT COUNTED.

The supporting structure or bracing of a sign shall not be counted as part of sign face area unless such structure or bracing is made a part of the sign's message.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.063 COLLOCATION.

Individual uses on adjoining lands may place their individual freestanding signage on a single sign support structure provided the combined sign face area does not exceed the amount of sign face area permitted if the freestanding signs would have been constructed separately. Sign support structures shall comply with the height limits regardless of the number of collocated signage.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.064 TWO-SIDED SIGNS.

Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously shall be considered the sign face area as depicted in Figure 2, Two-Sided Sign:

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.065 SIGNS WITH A BACKGROUND.

In the case of a sign whose message is fabricated together with the background which borders or frames that message, the sign face area shall be the total area of the entire background as depicted in Figure 3, Signs with a Background:

Figure 3: Signs with a Background

Sign Area = (A) x (B)

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.066 SIGNS WITH NO BORDER OR FRAME.

In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message as depicted in Figure 4.

Figure 4: Signs with No Border or Frame:

Sign Area = (A) X (B)

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.067 SIGN HEIGHT.

(A) No freestanding sign shall exceed 35 feet in height as measured from the base of the sign in any district. All signs in all districts shall be maintained.

(B) Sign height shall be measured from the base of the sign at normal grade to the highest point of the sign support structure, or sign face, whichever is higher. For the purposes of this subsection, "normal grade" shall mean the newly established grade after construction, not including any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade is below the grade of the street to which the sign is oriented, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the crown of the adjacent street as depicted in Figure 5.

Figure 5: Sign Height

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.068 VISIBILITY.

All signs shall conform to both the sight distance and the sight triangle standards and no sign shall be erected so it obstructs vision or sight distances at driveway entrances and exits.

(Ord. 2011-07-26-01, passed 7-26-2011)

SIGN APPLICATION PROCESS

§ 152.080 GENERAL PROVISIONS.

Applications for sign permits shall include a scaled drawing of the sign, which depicts and describes:

(A) Size.

(B) Shape.

(C) Colors.

(D) Materials to be utilized.

(E) Copy/wording and designs.

(F) Illumination type and electrical detail.

(G) Location on building, if wall sign.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.081 GROUND SIGNS.

In addition, permit applications for detached signs shall be accompanied by a plot plan or sketch of the site, to show:

(A) The location of the sign on the lot.

(B) Scale.

(C) Dimensions of parcel lines.

(D) Height of the sign.

(E) Any support structure to be utilized.

(F) Electrical sources.

(G) Base landscaping.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.082 APPLICATION DETERMINATION.

The following shall apply to all permitted signs in the city:

(A) A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Zoning Official. A sign application shall be required for each sign. The sign application fee shall be $50 for all signs other than banners. The sign application fee for banner shall be $25. The fee is per application and the fee is non-refundable.

(Ord. 2011-07-26-01, passed 7-26-2011; Am. Ord. 2012-04-17-02, passed 4-17-2012)

ENFORCEMENT

§ 152.090 ENFORCEMENT.

(A) Signs which are found to be in violation of the provisions of this article shall be subject to the following provisions. Where notice is required, such notice shall be by regular mail or by facsimile or by phone call, or all, as may be reasonable under the circumstances surrounding the violation. Notices sent by mail shall be addressed to the last known address of the business for which the sign represents.

(B) The Zoning Official and/or his or her assignees shall have the authority to enter upon the premises of any nonconforming and/or violating property to address the sign issue or to remove the non-compliant sign from the premises.

(C) The Zoning Official may send notice to the sign owner and/or the business for which the sign represents, stating the nature of the violation and granting an appropriate period of time to correct the violation. Continued violation may be subject to the following:

(1) *Impoundment.* The Zoning Official or other authorized city staff may impound the sign. The zoning official shall have the authority to dispose of such sign without compensation to the sign owner/business for which the sign represents.

(2) *Payment of costs of sign removal.* If the Zoning Official determines that it is necessary under the terms of this article to remove a sign, he shall use either city staff or a private contractor, depending on the availability of budgeted funds and /or manpower and equipment to undertake this work. The sign owner/business for which the sign represents shall pay all costs incurred directly to the city or the cost will become a lien against the real property upon which such cost was incurred, and such costs shall be collected in the same manner as city taxes are collected, or by such other method as applicable law may permit. When private contractors are utilized, the lowest bidder shall be awarded the contract.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.091 VARIANCE.

Recognizing that the strict application of the requirements of this chapter may cause an undue hardship on certain applicants, variances from strict application of the provisions of this chapter may be granted as set out in the Variance Procedures for the Zoning Ordinance by the Board of Zoning Appeals. Each application shall be made a part of the public records of the duly assigned committee's minutes. The Board of Zoning Appeals meets as warranted. Application to appear before this committee must be submitted to the City Administrator or to the city's Zoning Administrator.

(Ord. 2011-07-26-01, passed 7-26-2011)

§ 152.999 PENALTY.

Whenever in this chapter the doing of an act is required or failure to any act is declared to be unlawful or an offense, where no specific penalty is provided therefore, the violation of any such provision of this chapter shall be punished by a fine of not more than $500 or imprisonment for a period not exceeding 30 days, plus any additional state assessments; provided, that such penalty shall not exceed the penalty provided by state law for similar offenses. Except where otherwise provided, each day any violation of any provision of this chapter shall continue shall constitute a separate offense. Violator has the right to appeal to the Planning Commission. If not satisfied with the results of this appeal, violator has the right to appeal to the City Council.

(Ord. 2011-07-26-01, passed 7-26-2011)

Board of Commissioners Meeting

OJRSA Operations & Administration Building
Lamar Bailes Board Room
September 11, 2023 at 4:00 p.m.

Agenda

A. Call to Order – Brian Ramey, Board Chair

B. Invocation and Pledge of Allegiance – Led by Commissioner Scott Moulder

C. Moment of Silence in Remembrance of the Tragic Events of September 11, 2001 – Led by Brian Ramey, Board Chair

D. Public Session – *THERE WILL BE A SEPARATE PUBLIC COMMENT PERIOD FOR THE* OJRSA SEWER USE REGULATION *AS IDENTIFIED BY ITEM I.1 ON THIS AGENDA.* Receive comments relating to topics that may or may not be on this agenda. Session is limited to a maximum of 30 minutes with no more than 5 minutes per speaker.

E. Approval of Minutes

- August 7, 2023 Board of Commissioners Meeting

F. Committee Reports

- Finance & Administration Meeting of August 22, 2023 – Kevin Bronson, Acting Committee Chair for meeting
- Operations & Planning Meeting of August 24, 2023 – Bob Faires, Committee Chair

G. Secretary/Treasurer's Report (Exhibit A) – Lynn Stephens, Secretary/Treasurer

H. Presentation and Discussion Items *[May include Vote and/or Action on matters brought up for discussion]*

1. Discuss Recommendations for Impact Fee memo from Weston & Sampson (Exhibit B) – Chris Eleazer, Director
2. Update on August 31, 2023 meeting with Oconee County – Brian Ramey, Board Chair
3. Discuss possible ways to include Oconee County representation at OJRSA Board of Commissioners meetings – Brian Ramey, Board Chair

I. Action Items

1. Public comment session for OJRSA Sewer Use Regulation (see Exhibit C) – Brian Ramey, Chair
2. Approve OJRSA Resolution 2024-02 to adopt the updated OJRSA Sewer Use Regulation with an effective date of October 1, 2021 (Exhibits C and D) – Chris Eleazer, Director (with Michael Traynham, Esq., Maynard Nexson; by phone)
3. Approve OJRSA Resolution 2024-03 to adopt the OJRSA Ethics Policy (Exhibit E) – Chris Eleazer, Director (with Sara Weathers, Esq., Pope Flynn; by phone)
4. Authorize the Executive Director to execute a contract with WK Dickson & Co., Inc. to perform professional services for collection system rehabilitation for tasks identified in Task Order #11 (Investigation and Findings Work Plan) performed during Fiscal Year 2023. The cost shall not exceed $398,000. – Chris Eleazer, Director and Joe Swaim and/or Angie Mettlen, WK Dickson

J. Executive Director's Discussion and Compliance Matters – Chris Eleazer, Director

1. Environmental and regulatory compliance
2. Projects update (including Sewer South Phase II)
3. Treatment facility flow allocation
4. PFAS and Contaminants of Emerging Concern
5. Impact Fee Policy
6. Miscellaneous *(if any)*

K. Commissioners' Discussion – Brian Ramey, Board Chair
Discussion can be related to matters addressed in this meeting or for future consideration by the Board or Committee. Voting is not permitted during this session.

L. Executive Session *NOTE: Board may act on matters discussed in executive session upon returning to open session*

- Consider contract extension based on annual review for the Executive Director. *[Executive Session permissible under SC Law 30-4-70(a)(1), which states: Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing}*

M. Upcoming Meetings *All meetings to be held in the Lamar Bailes Board Room unless noted otherwise.*

1. Finance & Administration Committee – September 26, 2023 at 9:00 a.m.
2. Operations & Planning Committee – September 27, 2023 at 8:30 a.m. *This meeting was moved to this date by the Committee Chair due to a schedule conflict*
3. Board of Commissioners – October 2, 2023 at 4:00 p.m.

N. Adjourn

OJRSA

Secretary/Treasurer's Report for Board of Commissioners

Prepared for the September 11, 2023 OJRSA Board of Commissioners Meeting

Cash and investment information stated herein come from bank and other financial records as of: August 31, 2023

UNRESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash ($)	Investments ($)	Total ($)
Operations & Maintenance (O&M)	501,018	1,465,000	1,966,018
Retail "Sewer South" (SSF) *O&M/CapEx*	745,682	795,000	1,540,682
TOTAL UNRESTRICTED FUNDS	1,246,700	2,260,000	3,506,700

RESTRICTED FUNDS CASH AND INVESTMENTS SUMMARY

Account/Fund Name	Cash ($)	Investments ($)	Total ($)
Contingency (CONT)	130,015	0	130,015
Special Expansion (EXP) *Impact Fees for Wholesale System*	285,022	2,947,000	3,232,022
Retail Special Devel (RSDF) *Impact Fees for Sewer South*	0	0	0
TOTAL RESTRICTED FUNDS	415,037	2,947,000	3,362,037

Combined Total for All Funds

Cash 1,661,737 Investments 5,207,000 Combined 6,868,737

See additional sheets for investment information

Account Notes:

1) 2 CDs were cashed in from the Sewer South Fund (SSF) to pay App #1 for Moorhead Construction. The OJRSA is expecting the RIA's grant money soon; new CD's will replace these. In addition, the balance for the SSF fund was before Moorhead's check was cut. 2) Seneca's August payment was received on 8/31/23 which brought the account over the FDIC $250,000 limit. A CD will be purchased in September to fix this issue.

INDEPENDENT RECONCILIATION OF ACCOUNTS

All transactions for all funds have been satisfactorily reconciled by an independent accounting firm for the month of July: ☒ YES ☐ NO

See attached document from independent accountant.

Reconciliation Notes:

By my signature, to the best of my knowledge, I certify this report is accurate.

Lynn M. Stephens

Lynn Stephens
OJRSA Secretary/Treasurer

INVESTMENTS UPDATE

Maturing Investment	Fund Code	Maturity Date	Amount ($)	To Be Reinvested?
Academy Bank @ 3.60%	O&M	09/21/2023	250,000.00	☒ Yes ☐ No
US Bank @ 3.65%	O&M	09/21/2023	250,000.00	☒ Yes ☐ No
Wells Fargo @ 3.65%	EXP	09/22/2023	243,000.00	☒ Yes ☐ No
Ally Bank @ 1.30%	EXP	09/29/2023	250,000.00	☒ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

See additional sheets, if necessary

Investment Notes:

See additional sheets for 12-month cash and investment trends and other information.

STANCIL
COOLEY ESTEP
& STAMEY, LLP

Certified Public Accountants

631 ByPass 123
P. O. Drawer 1279
Seneca, SC 29679

(864) 882-3048
Fax 882-7489

602-5 College Avenue
Clemson, SC 29631

(864) 654-4945
Fax 654-9476

www.scescpa.com

August 8, 2023

Lynn Stephens
Oconee Joint Regional Sewer Authority
623 Return Church Road
Seneca, SC 29678

RE: Bank Reconciliations for OJRSA July 2023

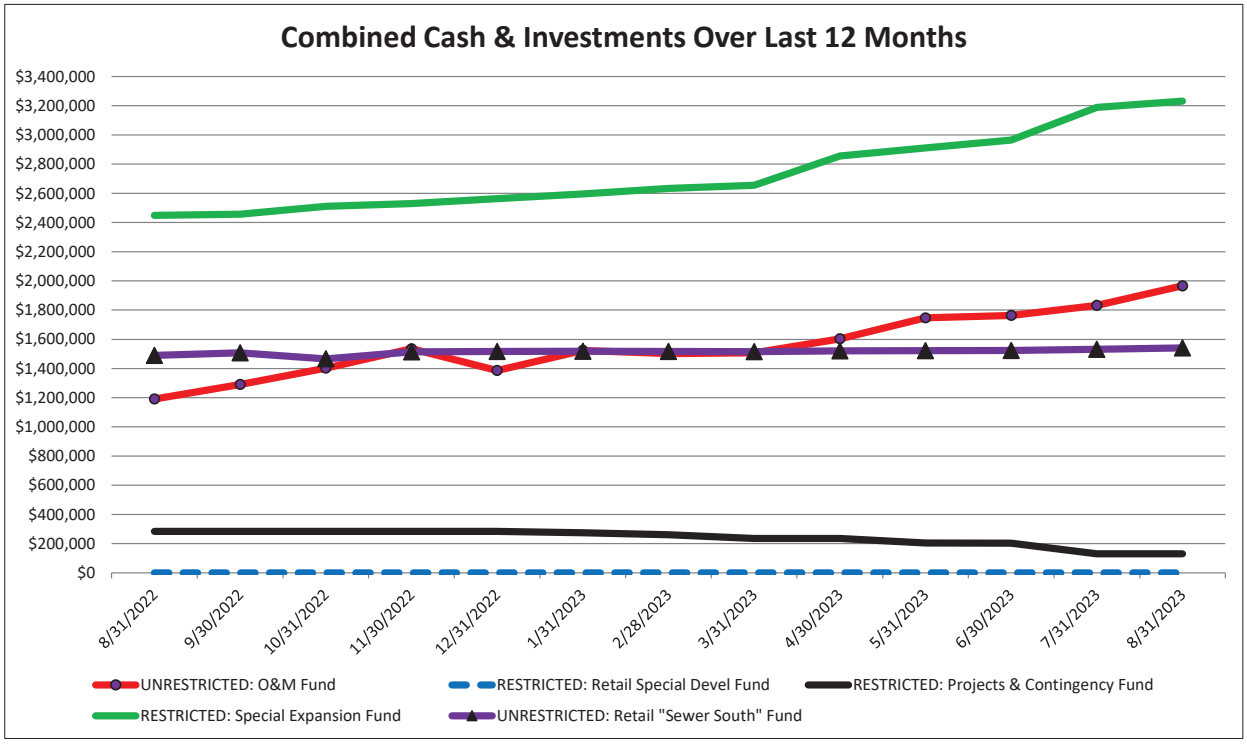
Dear Lynn,

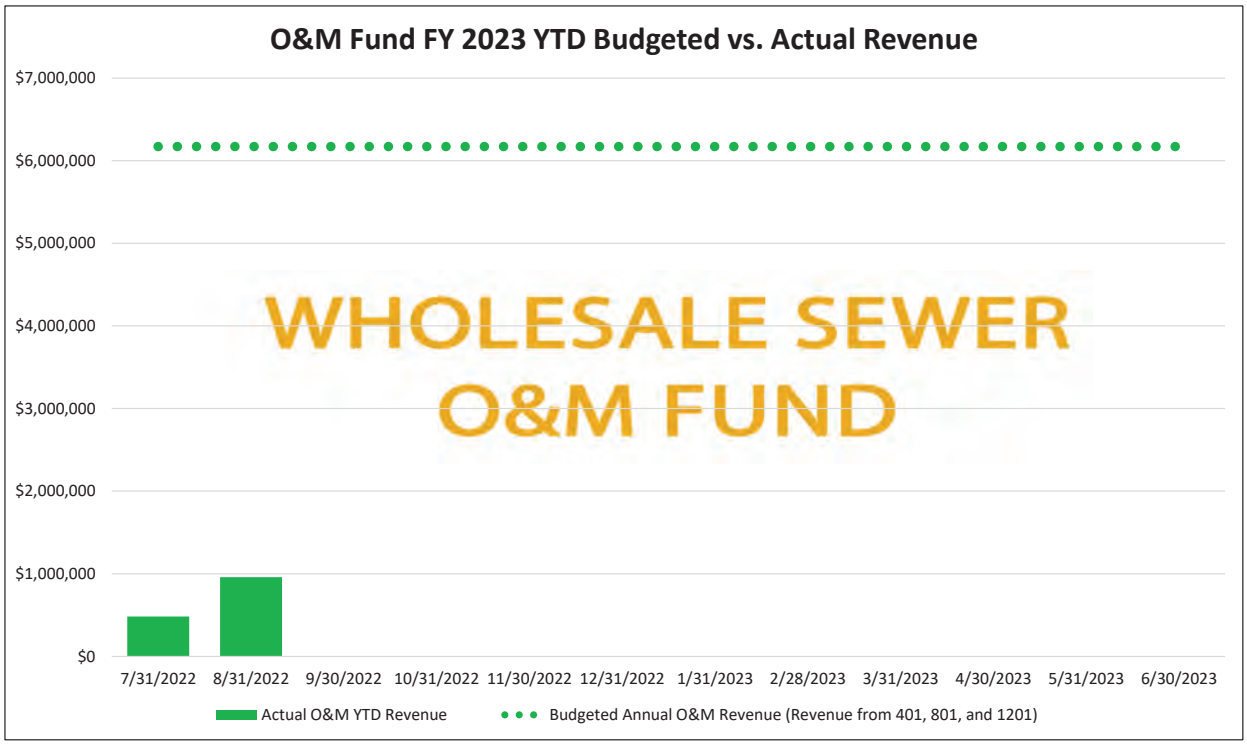
We have completed the bank reconciliations for the Oconee Joint Regional Sewer Authority for the month ending July 31, 2023. Copies of the bank reconciliations are attached for your review. There are several old outstanding checks in the operating account that you may want to review. Please contact me if you have any questions.

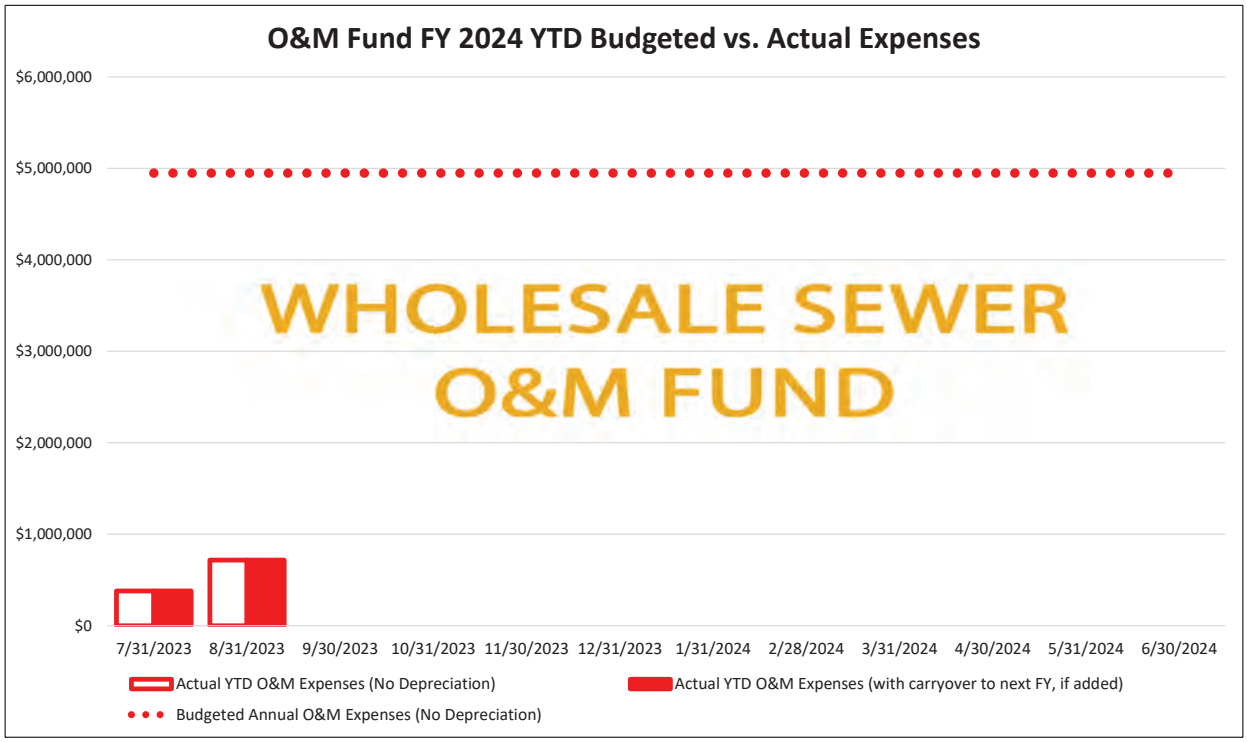
Sincerely,

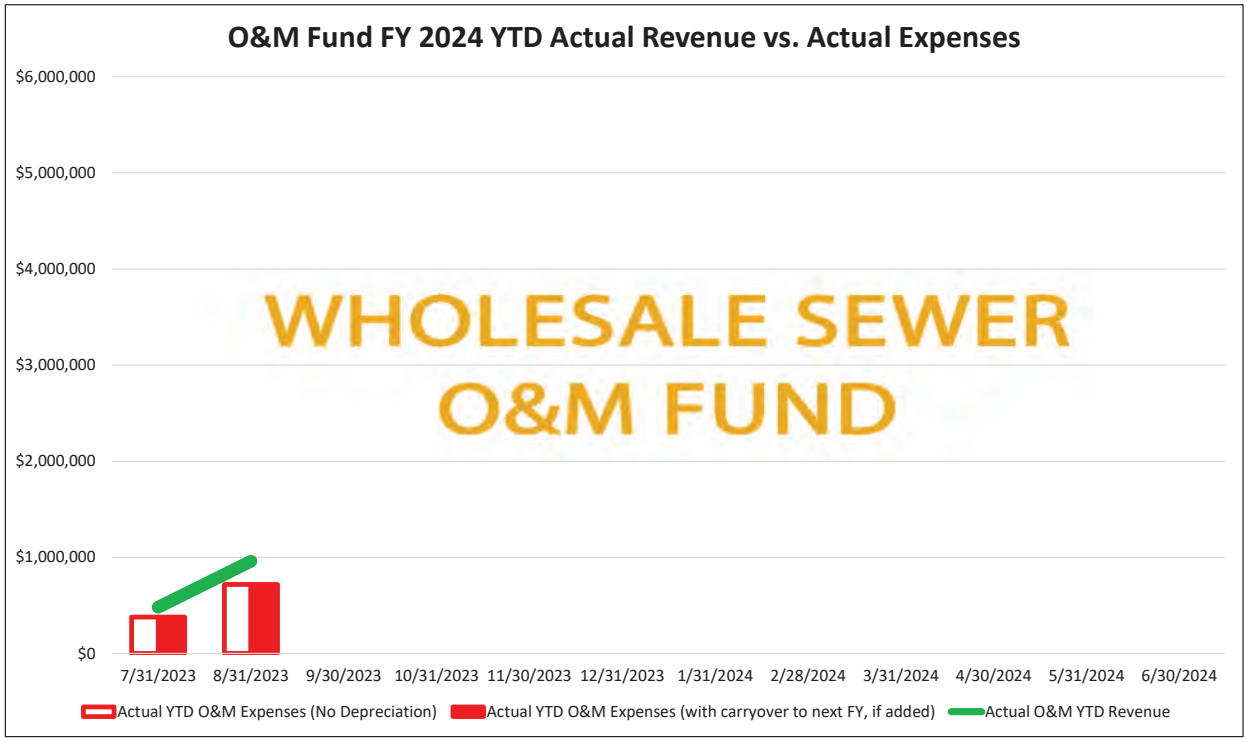
Susan M. Stamey

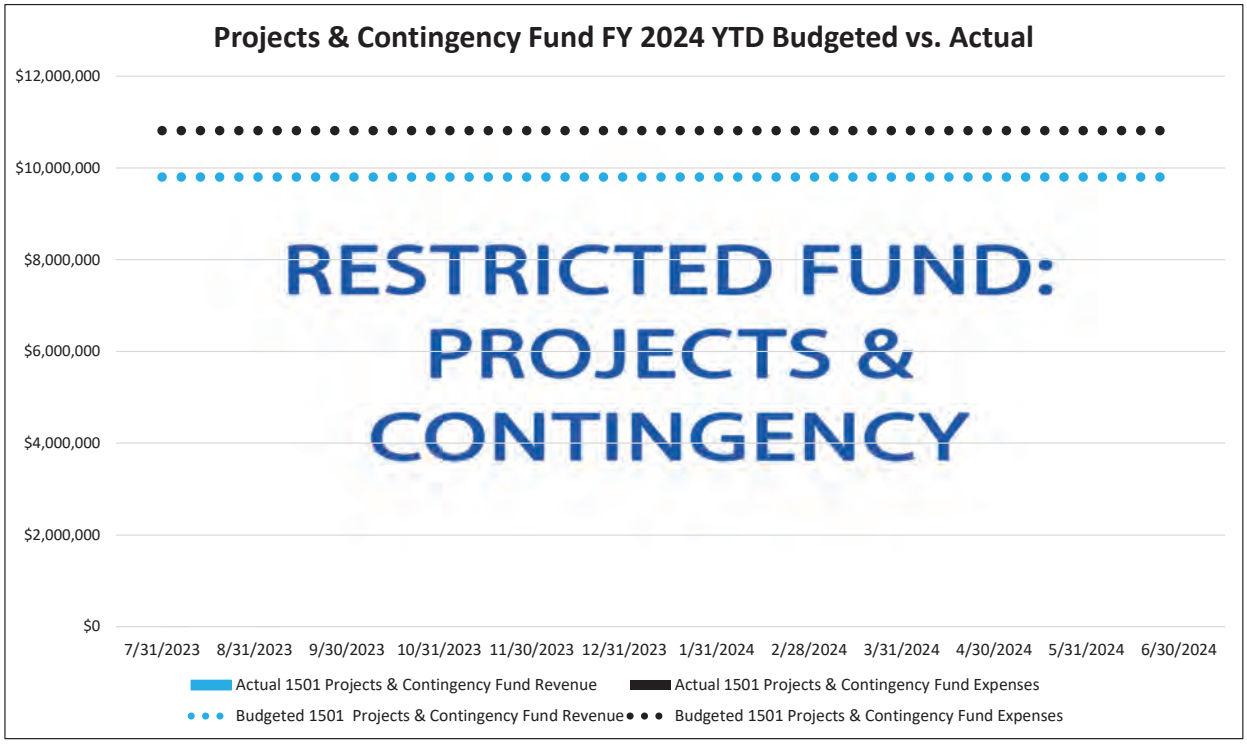
Susan M. Stamey, CPA
Enclosures

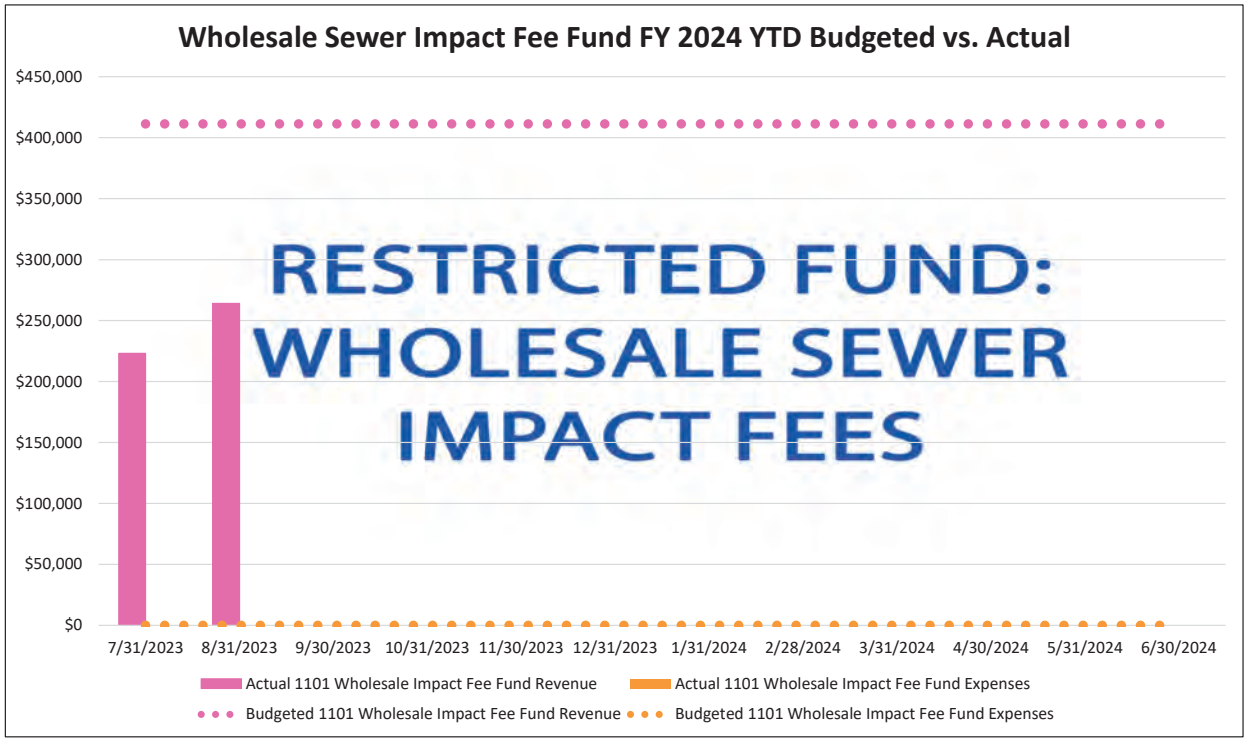

Combined Cash & Investments Over Last 12 Months
$3,400,000
$3,200,000
$3,000,000
$2,800,000
$2,600,000
$2,400,000
$2,200,000
$2,000,000
$1,800,000
$1,600,000
$1,400,000
$1,200,000
$1,000,000
$800,000
$600,000
$400,000
$200,000
$0
8/31/2022
9/30/2022
10/31/2022
11/30/2022
12/31/2022
1/31/2023
2/28/2023
3/31/2023
4/30/2023
5/31/2023
6/30/2023
7/31/2023
8/31/2023
UNRESTRICTED: O&M Fund
RESTRICTED: Retail Special Devel Fund
RESTRICTED: Projects & Contingency Fund
RESTRICTED: Special Expansion Fund
UNRESTRICTED: Retail "Sewer South" Fund

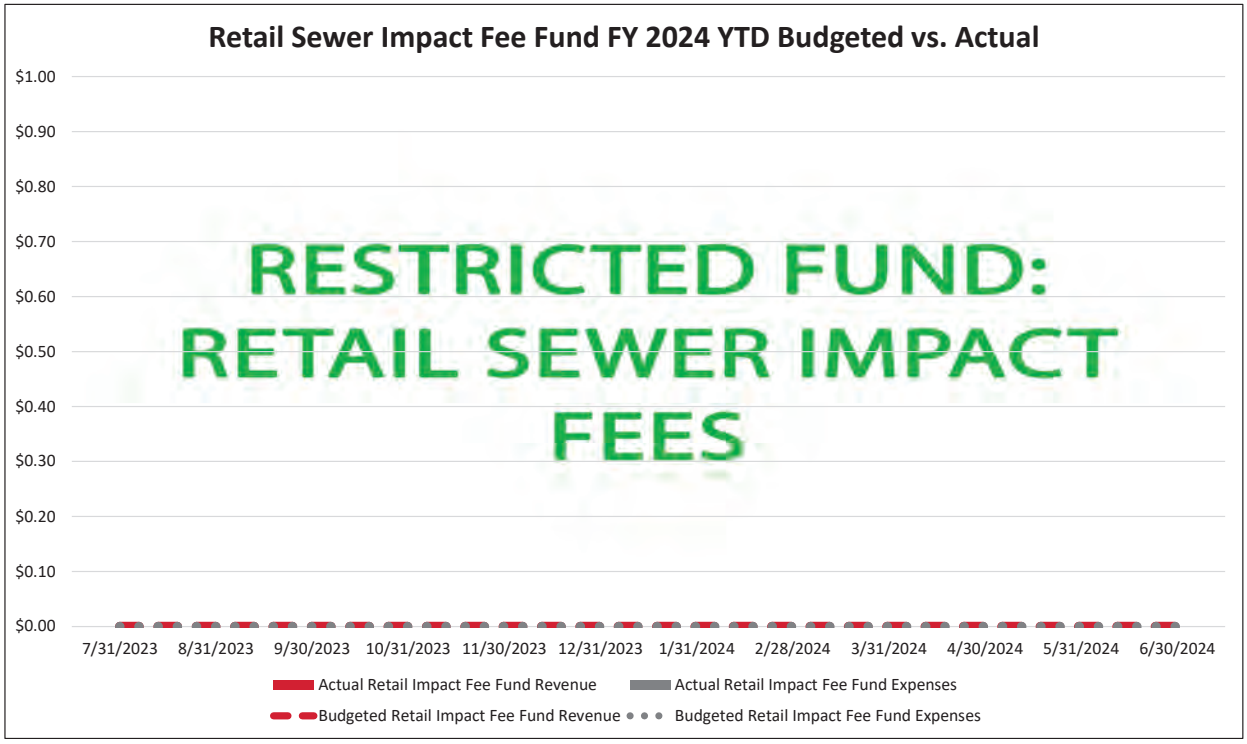

O&M Fund FY 2023 YTD Budgeted vs. Actual Revenue
$7,000,000
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$0
WHOLESALE SEWER
O&M FUND
7/31/2022
8/31/2022
9/30/2022
10/31/2022
11/30/2022
12/31/2022
1/31/2023
2/28/2023
3/31/2023
4/30/2023
5/31/2023
6/30/2023
Actual O&M YTD Revenue
Budgeted Annual O&M Revenue (Revenue from 401, 801, and 1201)

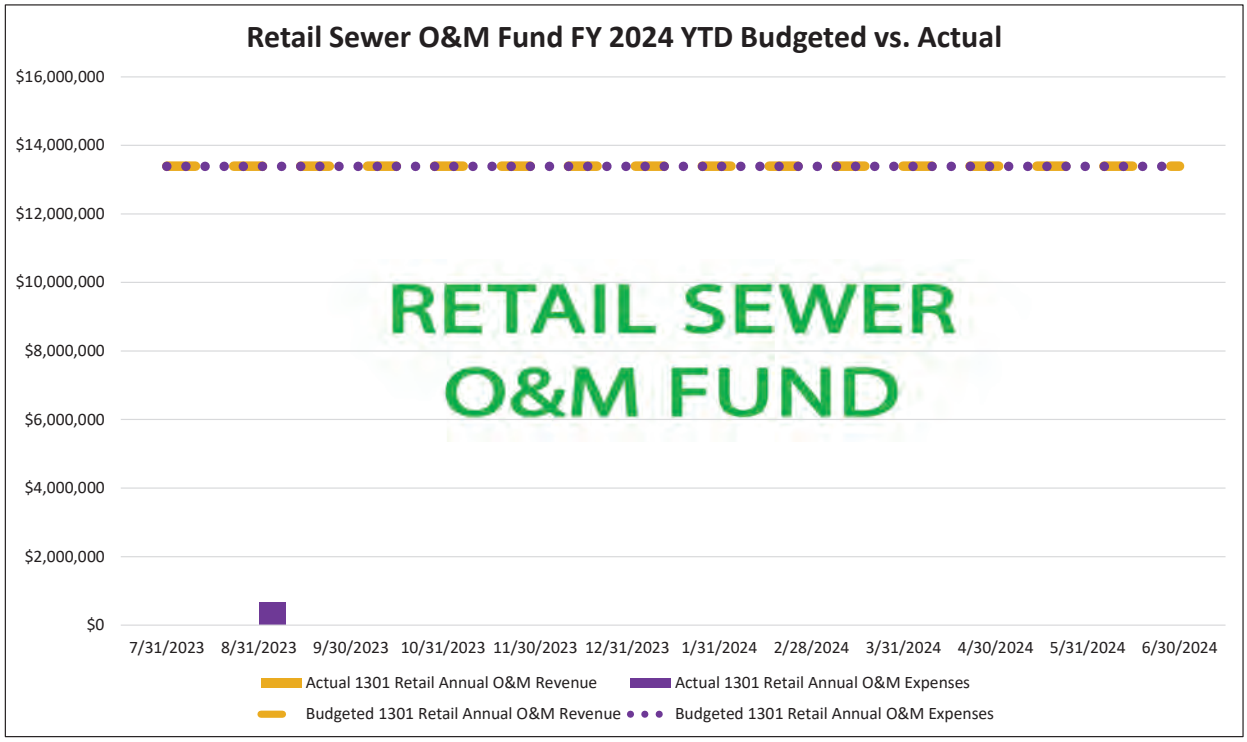

O&M Fund FY 2024 YTD Budgeted vs. Actual Expenses
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$0
WHOLESALE SEWER
O&M FUND
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual YTD O&M Expenses (No Depreciation)
Actual YTD O&M Expenses (with carryover to next FY, if added)
Budgeted Annual O&M Expenses (No Depreciation)


O&M Fund FY 2024 YTD Actual Revenue vs. Actual Expenses
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$0
WHOLESALE SEWER
O&M FUND
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual YTD O&M Expenses (No Depreciation)
Actual YTD O&M Expenses (with carryover to next FY, if added)
Actual O&M YTD Revenue


Projects & Contingency Fund FY 2024 YTD Budgeted vs. Actual
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
RESTRICTED FUND:
PROJECTS &
CONTINGENCY
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual 1501 Projects & Contingency Fund Revenue
Actual 1501 Projects & Contingency Fund Expenses
Budgeted 1501 Projects & Contingency Fund Revenue
Budgeted 1501 Projects & Contingency Fund Expenses


Wholesale Sewer Impact Fee Fund FY 2024 YTD Budgeted vs. Actual
$450,000
$400,000
$350,000
$300,000
$250,000
$200,000
$150,000
$100,000
$50,000
$0
RESTRICTED FUND:
WHOLESALE SEWER
IMPACT FEES
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual 1101 Wholesale Impact Fee Fund Revenue
Actual 1101 Wholesale Impact Fee Fund Expenses
Budgeted 1101 Wholesale Impact Fee Fund Revenue
Budgeted 1101 Wholesale Impact Fee Fund Expenses


Retail Sewer Impact Fee Fund FY 2024 YTD Budgeted vs. Actual
$1.00
$0.90
$0.80
$0.70
$0.60
$0.50
$0.40
$0.30
$0.20
$0.10
$0.00
RESTRICTED FUND: RETAIL SEWER IMPACT FEES
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual Retail Impact Fee Fund Revenue
Actual Retail Impact Fee Fund Expenses
Budgeted Retail Impact Fee Fund Revenue
Budgeted Retail Impact Fee Fund Expenses


Retail Sewer O&M Fund FY 2024 YTD Budgeted vs. Actual
$16,000,000
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
RETAIL SEWER O&M FUND
7/31/2023
8/31/2023
9/30/2023
10/31/2023
11/30/2023
12/31/2023
1/31/2024
2/28/2024
3/31/2024
4/30/2024
5/31/2024
6/30/2024
Actual 1301 Retail Annual O&M Revenue
Actual 1301 Retail Annual O&M Expenses
Budgeted 1301 Retail Annual O&M Revenue
Budgeted 1301 Retail Annual O&M Expenses

Weston & Sampson

3453 Pelham Road, Suite 204, Greenville, SC 29615
Tel: 864.686.5774

MEMORANDUM

TO: Chris Eleazer, Executive Director, Oconee Joint Regional Sewer Authority

FROM: Jason Gillespie, P.E.

DATE: August 21, 2023

SUBJECT: Recommendations for Impact Fee

Weston and Sampson (WSE) was contracted to update a technical memorandum prepared by Gillespie Engineering in May 2020 that provided recommendations for impact fee structure. Due to the significant increase in capital improvement costs since then, WSE revisited the cost assumptions and updated the fee structure recommendations accordingly. In 2020, OJRSA performed a significant amount of research regarding existing impact fee structures of other South Carolina utilities, as well as receiving meter counts from SJWD (Startex Jackson Wellford Duncan) Water District. Additionally, SJWD provided OJRSA with typical water consumption per meter size per an AWWA water utility survey. Water consumption per meter size is shown below in Table 1:

Table 1: Water Consumption Data Per Meter Type and Size *(source: AWWA)*

Meter Type / Size		Typical Flow (gpd)
Residential	5/8”	150
	3/4”	150
	1”	365
Commercial / Industrial	5/8”	225
	3/4”	225
	1’	365
	1 ½”	1,630
	2”	3,305
	3”	9,815
	4”	12,340
	6”	23,630
	8”[1]	22,832

In addition to the information obtained by OJRSA regarding SJWD meter counts, Gillespie Engineering also obtained similar information from the City of Anderson, Powdersville Water District, and Lexington Joint Municipal Water and Sewer Commission (JMWSC). All four utilities have what would be considered customer bases similar to what is served by OJRSA. None of the three utilities that Gillespie Engineering

[1] The typical ADF from the AWWA survey (as shown in Table 1) for an 8” meter was lower than that of a 6” meter. It is assumed this is just from a smaller sample size for 8” meters in the study. As a result, for the purposes of calculating a proposed impact fee for an 8” meter, the 6” meter fee was increased by 57% (the difference between the maximum flow rates of the two meter sizes).

obtained data from had data on average flow per meter size and type. Therefore, the information shown in Table 1 is assumed to be typical for all utilities in the study. Meter count data is as shown in Table 2:

Table 2: Meter Count Data for Similar Sized Utilities in South Carolina

Meter Type / Size		SJWD (gpd)	City of Anderson[2] (gpd)	Powdersville Water District[2] (gpd)	JMWSC (gpd)	Average (gpd)
Residential	5/8"	24,350	0	0	0	12,175
	3/4"	0	16,564	13,568	16,994	11,782
	1"	134	0	0	17	76
Commercial / Industrial	5/8"	690	0	0	0	345
	3/4"	0	0	0	356	178
	1'	245	3,741	235	177	1,100
	1 ½"	110	201	76	37	106
	2"	96	187	107	132	131
	3"	31	37	10	9	22
	4"	7	8	1	15	8
	6"	6	31	1	8	12
	8"	1	3	0	0	1
	10"	0	1	0	0	0

It is assumed that water consumption data and meter size distribution have not changed significantly since 2020; thus, the values shown in Tables 1 and 2 are used for the current update.

In the original 2020 analysis, a rule-of-thumb capital improvement cost per gallon per day (gpd) of average daily flow was used: $9 per gpd for treatment and $2.25 per gpd for conveyance (equal to 25% of the treatment gpd cost). Using these assumptions, an impact fee structure was developed as shown in Table 3, for a combined $11.25 per gpd ADF.

WSE evaluated the capital improvement costs in the current construction market climate in 2023, which have escalated considerably since the original assumptions above which date back to 2018. Current costs have increased due to supply chain issues and inflation as illustrated in the estimates below:

Treatment Plant Construction	$14/gpd
Soft Costs – Design, Permitting, Construction Administration and Inspection, Legal, etc. (20%)	$2.8/gpd
Project Contingency (20%)	$2.8/gpd
TOTAL TREATMENT PLANT COSTS	$19.6/GPD
TOTAL CONVEYANCE SYSTEM COSTS (25% OF TREATMENT)	$4.9/GPD
TOTAL RECOMMNDED IMPACT FEE BASIS	$24.5/GPD

Using the above cost assumptions, the proposed impact fees for FY2024 are shown below in Table 3:

[2] City of Anderson and Powdersville Water District did not have meter data broken out between residential and commercial / industrial. Therefore, all ¾" meters were assumed to be residential.

Table 3: Proposed and Current Impact Fee Structure Based on Meter Type and Size

Meter Type / Size		Combined Impact Fee PROPOSED FY 2024	Combined Impact Fee CURRENT (approved April 5, 2021)
Residential	5/8" or 3/4"	$3,700	$1,700
	1"	$8,900	$4,100
Commercial / Industrial	5/8" or 3/4"	$5,500	$2,500
	1"	$15,300	$7,000
	1 ½"	$39,900	$18,300
	2"	$81,000	$37,200
	3"	$240,500	$110,400
	4"	$302,300	$138,800
	6"	$578,900	$265,800
	8"	$908,900	$417,700

The proposed impact fees would put OJRSA within the upper range of impact / capacity fees with other upstate South Carolina utilities. In general, OJRSA's system is smaller than most of the utilities shown below, and as a result, incremental capacity increases to the system are more expensive than in other locations. Additionally, some utilities choose to subsidize a portion of the impact / capacity fees and spread some of the cost across the existing customer base. A summary of impact fee structures is shown in Table 4 below. Where a utility has both water and sewer, the sewer portion of the impact fee is shown.

Weston & Sampson

3453 Pelham Road, Suite 204, Greenville, SC 29615
Tel: 864.686.5774

Table 4: Impact Fee Comparison Among Upstate Sewer Utilities

Meter Type / Size		OJRSA Current Impact Fee	OJRSA Proposed Impact Fee	ReWa	Spartanburg Water (Sewer Only)	Anderson County	City of Anderson	Laurens County Water & Sewer (Sewer Only)	Easley Combined Utilities[3]	Average (Excluding OJRSA)	Median (Excluding OJRSA)
Residential	5/8" or 3/4"	$1,700	$3,700	$2,500	$1,200	$4,500	$600	$1,500	$2,500	$2,060	$1,500
	1"	$4,100	$8,900	$5,000	$1,200	$4,500	$600	$6,240	$2,500	$3,508	$4,500
Commercial / Industrial	5/8"	$2,500	$5,500	$2,500	$1,200			$1,500		$1,733	$1,500
	3/4"	$2,500	$5,500	$5,000				$1,500		$3,250	$3,250
	1"	$7,000	$15,300	$7,500	$3,000			$6,240		$5,580	$6,240
	1½"	$18,300	$39,900	$15,000	$6,000			$10,410		$10,470	$10,410
	2"	$37,200	$81,000	$22,500	$9,600			$29,170		$20,423	$22,500
	3"	$110,400	$240,500	$50,000	$21,600			$55,570		$42,390	$50,000
	4"	$138,800	$302,300	$100,000	$34,800			$219,510		$118,103	$100,000
	6"	$265,800	$578,900	$300,000	$129,600					$214,800	$214,800
	8"	$417,700	$908,900	$400,000	$158,400					$279,200	$279,200

[3]Easley Combined Utilities assess capacity fees based on REUs (flow based) rather than water meter size. Therefore, while impact fees increase proportional to flow, it is not directly related to meter size.

OJRSA Sewer Use Regulation
October 1, 2023

Date	Description of Changes	Agency
4/3/1979	Oconee County Ordinance 79-4	Oconee County Council
6/30/1993	SCDHEC Approved Sewer Use Ordinance	SCDHEC
7/18/1995	Oconee County Ordinance 1995-07	Oconee County Council
10/3/2011	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
4/1/2017	Sewer Use Regulation revision	OJRSA Board of Commissioners
3/1/2018	Sewer Use Regulation comprehensive revision	OJRSA Board of Commissioners
8/23/2019	Non-substantial modification to correct discrepancy Enforcement Management Strategy	SCDHEC and OJRSA Board of Commissioners
10/01/2023	Comprehensive revision and inclusion of attachments into the main body of the Regulation, update to comply with SCDHEC Consent Order and CMOM requirements, and to further develop the FOG Management Program for OJRSA. Adopted by *OJRSA Resolution 2024-02* on 09/11/2023.	SCDHEC and OJRSA Board of Commissioners

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Section 1 – Sewer Use Regulation Adoption and Approval

These Regulations shall be in full force and effect from and after passage, approval, and publication, as provided by law.

As reviewed by the Approval Authority (South Carolina Department of Health and Environmental Control) and approved for publication by the Oconee Joint Regional Sewer Authority (OJRSA) Board of Commissioners on August 7, 2023, a thirty (30) day public notice given on August 11, 2023 in *The Journal* (Seneca, South Carolina), on the OJRSA website (www.orjsa.org), and on social media accounts updated by OJRSA.

The Approval Authority was made aware of the public notice and comment period on August 4, 2023.

A public comment period was granted from August 11, 2023, until the OJRSA Board of Commissioners Meeting on the evening September 11, 2023. The agency also accepted written comments as stated in the legal notices advertised in *The Journal* (Seneca, South Carolina) on August 11, 2023 and September 2, 2023; at www.ojrsa.org/info; and on OJRSA social media accounts.

APPROVED and ADOPTED by *OJRSA Resolution 2024-02* by the Oconee Joint Regional Sewer Authority Board of Commissioners on September 11, 2023 during the Board of Commissioners Meeting.

EFFECTIVE DATE: 12:01 AM LOCAL TIME ON OCTOBER , 2023.

Section 2 – Administrative Information

2.1 Purpose and Policy

Recent developments in both Federal and State law have created increasing and more stringent requirements upon public wastewater treatment facilities and demand compliance to avoid incurring severe sanctions and penalties. The purpose of these Regulations and amendments thereto are to ensure compliance with the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments, including the Water Quality Act of 1987 (PL 100-4) together with the South Carolina Pollution Control Act and other State and Federal statutes and regulations.

These Regulations set forth uniform requirements for discharges to the Publicly Owned Treatment Works (POTW) and enables the Oconee Joint Regional Sewer Authority (OJRSA) to comply with all applicable State and Federal laws and the Pretreatment Regulations (40 CFR Part 403 and SC R61-9 Part 403). The objectives of these Regulations are:

A. To prevent discharges to the POTW which will interfere with the operation of the POTW;
B. To prevent discharges to the POTW which will pass-through the wastewater treatment plant inadequately treated to the receiving waters or the atmosphere or otherwise be incompatible with the system;
C. To prevent discharges to the POTW which will contaminate the sludge and/or hamper disposal of the sludge;
D. To promote the opportunity to recycle, reuse, and reclaim wastewater and sludges from the system;
E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
F. To protect the OJRSA personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
G. To enable OJRSA to comply with its NPDES permit conditions, and any other Federal or State laws to which the POTW is subject.

These Regulations provide for the parameters of discharges to the POTW through the issuance of permits, authorizes enforcement of limitations and requirements, authorizes monitoring activities, compliance and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of expenditures. These Regulations shall apply to the OJRSA and to persons who are, by permit or agreement with the OJRSA, Users of the POTW. Except as otherwise provided herein, the Executive Director (Director) of the OJRSA and their Duly Authorized Representatives, which may include contractors or consultants, shall administer the provisions of these Regulations. The Executive Director may appoint an OJRSA employee, consultant, or contractor to address any items set forth in this Regulation. The OJRSA Board of Commissioners establishes the Regulations of the OJRSA but the implementation of the Regulation is conducted by the Director and his/her Duly Authorized Representative.

Requests for variances to these Regulations and OJRSA policies must be made in accordance with Section 3.17.

2.2 Application of Regulations

These Regulations shall apply to persons within the County of Oconee and to persons outside the County who, by contract with the OJRSA or other means, are Users of OJRSA wastewater facilities. The Director shall implement and enforce the provisions of these Regulations, and the governing body of the OJRSA shall adopt such regulations as it deems necessary to implement the provisions and requirements of these Regulations.

2.3 DEFINITIONS

Unless the context indicates otherwise, the terms and phrases used in these Regulations shall have the following meanings:

Act shall mean the Federal Water Pollution Control Act (also known as the Clean Water Act) and amendments. (33 USC §1251 et seq.)

Adjudicatory Hearing shall mean a formal proceeding before a Hearing Officer charged with making determinations regarding whether or not violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA have occurred, and what penalties and other forms of relief are appropriate if a violation has occurred. The Hearing Officer will be appointed by the Director and shall have no connection with the preparation or presentation of the evidence at the hearing. In receiving evidence at the Adjudicatory Hearing, the Hearing Officer shall be guided by the South Carolina Rules of Evidence but has discretion to relax the requirements therein to allow for the consideration of evidence considered relevant to the proceeding or to maintain the orderly presentation of evidence.

Administrative Order shall mean a legal document issued by OJRSA directing a business or other entity to take corrective action or refrain from an activity. It describes the violations and actions to be taken and can be enforced in court. The three types of Administrative Orders are Consent Order, Compliance Order, and Cease and Desist Order.

Alcoholic Beverage shall mean beverages produced by breweries, cideries, distilleries, and wineries, regardless of presence or amount of alcohol volume. Fermented beverages shall be considered alcoholic beverages. *Also see Fermented Beverages.*

Approval Authority shall mean the State of South Carolina, by and through the Department of Health and Environmental Control, or any successor agency having jurisdiction to review OJRSA's Pretreatment Program and associated regulations.

Authorized Representative or Duly Authorized Representative of the User shall mean:

A. If the User is a corporation:
    1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
B. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
C. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
D. The individuals described in paragraphs A through C of this definition may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the OJRSA. If the designation is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for

the company, a new written authorization satisfying the requirements of this Section must be submitted to OJRSA prior to or together with any reports to be signed an Authorized Representative.

E. If referring to OJRSA, those positions and/or individuals explicitly authorized by the Executive Director or Board of Commissioners and may include OJRSA staff and/or consultants working on behalf of the OJRSA.

Automatic FOG Trap shall mean a FOG Control Device that uses mechanical or electrical means to skim FOG from wastewater.

Baffles shall mean a plate, wall, or panel to deflect, check, or regulate the passage of grease-laden wastewater through the FOG Trap or gravity FOG Interceptor. A hanging baffle is one that does not extend to the floor of the interceptor. It generally extends only to the top half of the water level. A slotted baffle is one that extends to the floor of the interceptor and has one or more slots generally located at the middle of the water level to convey liquid from the inlet side to the outlet side of the interceptor.

Beneficial Hauled Waste shall mean a process waste from a facility that is deemed by the OJRSA to be beneficial to the water reclamation facility and its treatment process.

Best Management Practices shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in SC R61-9 403.5(a)(l) and (b). BMPs also 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. BMPs shall also mean the means and methods of preventing or reducing FOG from entering the sewer. A FOG BMP template may be supplied by OJRSA. *[Note: BMPs also include alternative means (e.g., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.]*

Biochemical Oxygen Demand shall mean the quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Centigrade (20°C).

Board of Commissioners (or Board) shall mean the OJRSA Board of Commissioners.

Brewery shall mean a building or establishment for brewing beer, ale, or other malt liquors for commercial sale. Breweries also produce non-alcoholic products (e.g., "non-alcoholic beer"). Breweries shall also include craft brewing facilities, and microbreweries and may include a retail store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*

Brown Grease shall mean any contents within or removed from FOG Control Devices. Brown grease is an emulsion of fat, oil, grease, solids, and water.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer, which begins five (5) feet outside the building wall.

Building Sewer shall mean the extension from the building drain to the sanitary sewer or other discharge location. Building drains are considered a portion of the building sewer.

Business Day shall mean Monday through Friday, except recognized holidays as defined in the *OJRSA Employee Handbook* or when otherwise established by the OJRSA Board of Commissioners.

Bypass shall mean the intentional diversion of wastestreams from any portion of a User's treatment facility.

Calendar Day shall mean all days, including weekends and holidays.

Calendar Year shall mean the twelve (12) month period beginning the January 1 and ending December 31 (inclusive) each year.

Categorical Industrial User shall mean an Industrial User subject to a Categorical Pretreatment Standard.

Capacity Permit. See definition for Permit.

Categorical Pretreatment Standard shall be defined by 40 CFR 405 to 471.

Chemical Additive shall mean liquids, gases or solids composed of non-living substances introduced into a FOG Control Device for the purpose of changing the chemical nature or physical properties of the fats, oils and grease retained in the control device.

Chemical Oxygen Demand shall mean the total amount of oxygen required to oxidize the organic matter in a waste as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA.

Cidery shall mean a facility for the manufacture of cider for commercial sale. Cideries may include a retail store and a tasting room products for produced at the facility. *Also see Alcoholic Beverage.*

CMOM (or Capacity, Management, Operation and Maintenance) shall mean a comprehensive audit or program that assures that a conveyance system is properly managed, financed, operated, and maintained at all times; has adequate capacity to convey peak flows (including wet weather flows); and performs all feasible tasks to eliminate excessive inflow and infiltration (I&I) from the system. A CMOM program must mitigate the impact of overflows on Waters of the State/United States, the environment, and public health.

Collection System. See definition for Conveyance System.

Color shall mean the color value obtained by the ADMI colorimetric method as approved by 40 CFR Part 136 or equivalent methods approved by EPA.

Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water. *OJRSA currently has no Combined Sewers in their service territory and is not permitted for treatment as a Combined Sewer system.*

Commercial shall mean a company or organization occupied with or engaged in commerce or work intended for commerce. Examples include restaurants, grocery stores, banks, hotels, office space, retail shops, etc.

Commercial User (or Institutional User) shall mean all Users that otherwise do not discharge process wastewater, are not subject to Categorical Pretreatment Standards, and are not residences. Commercial (or Institutional) Users may be subject to Local Limits as determined by the Director.

Compliance Schedule shall mean an enforceable schedule incorporated into a Consent Agreement, Administrative Order, or other enforceable order of the OJRSA, outlining a timetable of remedial measures necessary to address a violation of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA. A Compliance Schedule may include milestone compliance measures, and each milestone deadline is separately enforceable by the OJRSA, with failure to meet such deadlines subject to potential additional enforcement action as stated within the Regulation, including civil penalties.

Cumulative Consumer Price Index, as applicable to SECTION 8.6, shall mean the aggregate administrative, civil, or criminal penalty based on the increase and/or decrease of year-over-year changes in the Consumer Price Index as reported for the month of December each calendar year beginning with December 2023. *This amount shall be rounded up or down to the next whole dollar.*

Contact Cooling Water. See definition for Cooling Water.

Contaminants of Emerging Concern shall mean chemical and other waste contaminants posing unique issues and challenges to the environmental community as a result of:

A. The recent development of new chemicals or other products;
B. New or recently identified byproducts or waste products;
C. Newly discovered or suspected adverse health or environmental impacts;
D. Physical or chemical properties that are not fully evaluated or understood;
E. An absence of or pending changes to fully defined risk levels, water quality standard or guidance or other environmental program levels of control; and

F. Other factors.

Emerging contaminants include, but are not limited to, PFAS (polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.

Control Authority shall mean OJRSA, or any successor agency with authority to implement the provisions of this Regulation.

Conveyance System shall mean the network of gravity pipes, manholes, pumping stations, force mains, valves, and appurtenances owned and operated by the OJRSA associated with the transportation of wastewater to the treatment facility. The conveyance system is considered to be a component of the POTW.

Cooling Water shall mean water used for cooling (condensation, air conditioning, refrigeration, equipment cooling, evaporative cooling, chillers, cooling towers, etc.) which may come into direct contact with any raw product, intermediate product (other than heat) or finished product. For the purposes of this Regulation, cooling water can be generated from any cooling equipment blowdown or produced as a result of any cooling process through either a single pass (once through) or recirculating system. There are two types of cooling water:

A. Noncontact Cooling Water is water to which the only pollutant added is heat, which has no direct contact with any raw material, waste intermediate or final product, and which does not contain levels of contaminants detectably higher than that of intake water and does not have added chemicals for water treatment at the facility.
B. Contact Cooling Water is water likely to contain pollutants detectably higher than intake water. Contact means the water has chemical(s) added at the facility or comes into contact with the product produced at the facility. This includes water contaminated through any means, including chemicals added for water treatment at the facility, corrosion inhibition, or biocides, or by direct contact with any raw materials, process materials, intermediate materials, final products, waste product, and/or wastewater.

County (if capitalized in Regulation) shall mean the County of Oconee. *If not capitalized, definition could be for any county.*

Daily Maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a twenty-four (24) hour period.

Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Decant shall mean to pour or drain wastewater or other liquid from a tank or vessel without disturbing the sediment or solids that have settled in the tank or vessel.

Director. See definition for Executive Director.

Discharge (or Indirect Discharge) shall mean the introduction of pollutants into the POTW from any non-domestic wastewater source.

Discharge Permit. See definition for Permit.

Disposal shall mean the discharge of FOG Control Device waste at a properly permitted and SCDHEC approved location.

Distillery shall mean a facility where liquor is manufactured and sold commercially. Distilleries may include a retail store and a tasting room for products produced at the facility. *Also see Alcoholic Beverage.*

Domestic Wastewater shall mean a combination of water carrying normal strength sewage from residences, commercial establishments, institutions and the like, but excluding industrial process wastes.

Duration of the Violation shall mean the length that the violation existed.

Duly Authorized Representative shall mean Authorized Representative. See Authorized Representative for definition.

Enforcement Management Strategy shall mean the methods and mechanisms for achieving enforcement as set forth in SECTION 8 of this Regulation.

Environmental Protection Agency shall mean the United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of the EPA.

Environmental Harm shall mean a pollutant effluent which:

A. Has a toxic effect on the receiving waters or aquatic life downstream of the wastewater treatment plant;
B. Causes a violation of the POTW's NPDES permit (including water quality standards); or
C. Causes a pass-through.

Equivalent Permitting Record. See definition for Permit.

Excursion shall mean an incident in which wastewater discharge parameter exceeds the range set forth in the *OJRSA Sewer Use Regulation* or Industrial User permit.

Executive Director shall mean the Executive Director of the Oconee Joint Regional Sewer Authority, which is the person serving as the chief administrative officer (CAO) of the agency.

Existing Source shall mean any source of discharge that is not a New Source.

Fermented Beverage shall include, but not be limited to, kombucha, ginger beer, kvass, and kefir produced for commercial sale. Fermented Beverage producers may include a retail store and a tasting room for products produced at the facility. The OJRSA shall regulate these drinks as Alcoholic Beverages, regardless of the presence or amount of alcohol volume. *Also see Alcoholic Beverage.*

Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

FOG shall mean fats, oils, and grease, which are organic non-polar material or compounds derived from animal and/or vegetable or plant sources.

FOG Control Additives shall mean chemicals such as enzymes, emulsifiers, biological, and chemical additives to liquefy the FOG to keep it from clogging sewer devices, which are prohibited by Regulation. Sewer lines and devices must be cleaned manually to remove any FOG accumulation.

FOG Control Devices shall mean FOG Interceptors, FOG Traps, or other OJRSA approved means of eliminating fats, oils, and grease from the wastewater conveyance system and treatment works.

FOG Control Program shall describe the OJRSA regulatory, educational, and customer service activities that support elimination of the deleterious impact of fats, oils, and grease discharges on the wastewater conveyance system and treatment works. This program is detailed in SECTION 9 of these Regulations.

FOG Generator shall mean any User, including Food Service Establishments (FSE), which produces fats, oils, and grease waste. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering and other such operations are considered a commercial purpose subject to FSE regulations*).

FOG Interceptor shall mean a tank or device so constructed, typically in the ground, as to separate and hold fats, oils, and grease (FOG) from the wastewater in order to reduce the FOG entering the sanitary sewer. FOG Interceptors are commonly referred to as "grease interceptors" or "grease traps"; however, the OJRSA does not consider these to be the same as under-the-sink FOG Traps and shall not be construed as meeting this definition. FOG Interceptors are a minimum of 1,000 gallons in capacity.

FOG Permit. See definition for Permit.

FOG Program Coordinator shall mean a person employed or designated by the Director who is charged with the responsibility of administering the provisions of the FOG Control Program to ensure User compliance with applicable laws, rules, regulations, and policies.

FOG Recycle Container (Bin) shall mean a container used for storage of yellow grease.

FOG Trap shall mean a device placed inside a Food Service Establishment for removal of FOG from the wastestream. These are identified as an "under the sink" reservoir or a "floor trap" which is a small container or tank with baffles designed for inside installation at kitchen fixtures and appliances. These devices shall be connected to a drain immediately following a sink or wash basin. A FOG Trap is often referred to as a "grease interceptor" but should not be confused with a FOG Interceptor as defined by the OJRSA.

FOG Waste shall mean any liquid, semi-liquid, or solid fats, oils and grease that is removed from Commercial operations through the use of a FOG Interceptor or FOG Trap.

FOG Waste Hauler / Plumber shall mean a company that pumps, cleans, and maintains FOG Control Devices, to include FOG Control Device Certification. All FOG waste haulers and plumbers performing these duties within the area served by OJRSA shall be FCD certified by the OJRSA FOG Program. These FOG waste haulers and plumbers must perform an inspection on a FCD when the device is being cleaned.

FOG Waste Line shall mean the wastewater plumbing that conveys grease-laden wastewater from fixtures and appliances to the FOG Control Device.

Food Courts shall mean areas predominantly found in shopping centers or amusement parks and festivals where several food preparation establishments having different Owners may share seating space or plumbing facilities.

Food Service Establishment shall mean any establishment, business, or facility engaged in preparing, serving, or making food available for consumption. Single-Family Residential locations and Multi-Family Developments with four (4) or less separated living units as stated in OJRSA SUR 9.3(C) are not considered a FSE or FOG Generator and will not be subject to the OJRSA FOG Program unless they are preparing food for commercial purposes (*catering operations are considered a commercial purpose subject to FSE regulations*). FSEs will include but are not limited to: restaurants, cafeterias, delis, grocery stores, hospitals, hotels, motels, churches, school kitchens, assisted living facilities, ice cream shops, coffee shops, food courts, butcher shop operations, catering facilities, and mobile food units involved in the preparation of food for nonresidential purposes. A Food Service Establishment can include any facility which cuts, prepares, cooks, fries, bakes, or serves food or which disposes of food-related wastes. Also see definition of FOG Generator.

Force Main shall mean a pipeline that conveys wastewater under pressure from a lower to a higher elevation. A force main is the piping from the discharge side of a pump or pneumatic ejector to a discharge point.

Force Majeure shall mean an extraordinary event that prevents one or both parties from performing. These events must be unforeseeable and unavoidable, and not the result of the User's actions, hence they are considered "an act of God," such as an earthquake, flood, or riot.

Garbage shall mean the animal or vegetable wastes from the domestic and Commercial preparation, cooking, and dispensing of food, and from the Commercial handling, storage, and sale of produce.

Garbage Grinder shall mean a device which shreds or grinds up solid or semisolid garbage into smaller portions for discharge into the sanitary sewer. These are commonly referred to as a "garbage disposal."

Grab Sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Grandfathered shall mean an exemption from the requirements of a section of Regulation affecting their previous rights, privileges, uses, or practices.

Gray Water shall mean all wastewater other than wastewater containing human waste from sanitary fixtures such as toilets and urinals. *This does not include process wastewater from industrial facilities.*

Hair Trap/Interceptors shall mean a device used to remove hair before it enters the sewer system. Facilities that may be required to install a Hair Trap/Interceptor include, but not limited to, beauty salons, barber shops, animal grooming facilities, and animal hospitals. These devices may be installed on individual sinks or on a common effluent line shared by a number of wash stations.

Hauled Waste shall mean transported waste materials and products including, but not limited to, waste from vessels, chemical and/or portable toilets, campers, trailers, septic tanks, FOG Interceptors, FOG Traps, and vacuum pump tank trucks.

Hauled Waste Transporter shall mean a person or company who owns or operates a vehicle for the purpose of transporting solid and/or liquid waste products for treatment or disposal.

Hazardous Material shall mean a substance or combination of substances which, because of its quantity, concentration, or characteristics, may:

A. Cause or significantly contribute to mortality, illness, or incapacitation due to human exposure;
B. Pose a substantial hazard to human health or the environment if improperly handled; or
C. Is defined to be a hazardous waste under the Resource Conservation and Recovery Act (applicable Parts of 40 CFR), under regulations promulgated pursuant to said Act, or under any other Local, State, or Federal law.

Hazardous Waste. See definition for Hazardous Material Item C.

Headworks Analysis shall mean an evaluation of the capability of the POTW to receive pollutants performed in accordance with SCDHEC and EPA regulations.

Hearing Officer shall be defined by OJRSA SUR 8.2(D)(5).

Holding Tank Waste shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Indirect Discharge. See definition for Discharge.

Industrial User shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of Act. *An Industrial User may or may not be a CIU and/or SIU.*

Industrial User Permit. See definition for Permit.

Industrial Wastewater. See definition for Wastewater.

Infiltration shall mean water other than wastewater flow that enters a sewer system from the ground through pipes, pipe joints, connections, or manholes.

Inflow shall mean water other than wastewater flow entering the sewer system from such sources as, but not limited to: roof leaders; cellar, yard, and area drains; foundation drains; unpolluted water (including cooling water or condensation discharges); drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or Combined Sewers; catch basins; stormwaters; surface runoff; street wash waters, or drainage.

Inflow and Infiltration shall collectively mean inflow and/or infiltration as defined in this Regulation.

Informal Conference shall mean a meeting between a User and the Director, or Director's designee, to discuss one (1) or more alleged violations of the *OJRSA Sewer Use Regulation* or a Permit issued by the OJRSA, to exchange information regarding such alleged violations and any corrective actions taken or proposed to be taken, and to discuss methods to obtain compliance with the Regulation by consent of all parties. An Informal Conference may result in the entry of a Consent Agreement outlining agreed upon relief, including an enforceable Compliance

Schedule, but will not result in the entry of a unilateral final decision by the OJRSA on an alleged violation prior to the User's opportunity for an Adjudicatory Hearing.

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

Institution (or Institutional) shall mean an organization that provides services to the public or a specific sector of the public. Examples includes schools, places of worship, colleges, government buildings, hospitals, prisons, etc.

Institutional User. See definition for Commercial User.

Interference means a Discharge which, alone or in conjunction with a discharge(s) from other sources, both:

A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of the violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, and the South Carolina Pollution Control Act.

Isolated Not Significant Violations shall mean violations that do not meet the definition of Significant Noncompliance.

Isolated (or Infrequent) [regarding violations] shall mean violations that do not meet the definition of recurring violations.

Lateral (or Service Lateral). See definition for Sewer Service.

Lint Interceptor shall mean a device used to remove lint and other debris from wastewater prior to its discharge to the sewer system. Facilities that may be required to install a Lint Interceptor include, but not limited to, laundromats, hotels/motels, dormitories, and apartment complexes with common laundry facilities shared by users.

Local Limits shall mean specific discharge limits developed and enforced by the OJRSA upon industrial or Commercial facilities to implement the general and specific discharge prohibitions listed in SC R61-9 403.5.

May is permissive. Shall is mandatory and requires compliance.

Measured Daily Flow shall mean the actual flow, in gallons, measured at the flowmeter for each day.

Medical Waste shall mean isolation wastes, infections agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Member City (or Member Cities) shall mean the cities of Seneca, Walhalla, and Westminster and others as defined by legally binding Intergovernmental Agreement(s).

Mobile Food Unit shall mean a self-propelled or vehicle- or trailer-mounted unit intended to be used as a Food Service Establishment. Mobile Food Units must have an approved location to discharge used fats, oils, and grease waste.

Monthly Average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Multi-Family Development shall mean a structure or complex of buildings intended for multiple families to reside in for extended periods of time. Examples include, but are not limited to, apartments, townhomes, condominiums, duplexes/multiplexes, etc. A structure or complex of buildings is also considered to be a Multi-Family Development if it has shared sewer plumbing serving two (2) or more individual living units (e.g., apartments, townhomes, etc.) that is combined prior to connection to the public sewer system. Multi-Family Developments with five (5) or more separate living units shall have FOG Control Devices as stated in OJRSA SUR 9.3(C).

National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of Industrial Users. NCPSs are found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

National Pollutant Discharge Elimination System Permit. See definition for Permit.

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, stormwater retention/detention pond, or other surface water or groundwater.

New Source shall mean:

A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307I of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
    3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
B. Construction on a site at which an Existing Source is located results in a modification rather than a New Source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (l)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
C. Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:
    1. Begun, or caused to begin, as part of a continuous onsite construction program:
        (a) any placement, assembly, or installation of facilities or equipment; or
        (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
    2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water. See definition for Cooling Water.

Non-Process Wastewater shall mean sanitary, noncontact cooling water, and boiler blowdown wastewater.

Nonresidential User shall mean any use other than a Single-Family Residential User, which may include, but is not limited to: Food Service Establishments, Industrial Users, health care facilities, religious establishments, educational facilities, assisted living facilities, office facilities, and other Commercial establishments. *It shall also include apartments, condominiums, and other multi-unit housing complexes with a common sewer service lateral or system serving multiple units prior to connecting with a public sewer. Also see Single-Family Residential, Multi-Family Development, Single-Family Residential, User, and others.*

Nonsignificant Industrial User shall mean a permitted facility that does not have sampling limits or sampling requirements but is permitted and may have other requirements to meet.

North American Industry Classification System or NAICS shall mean the standard reference classification system used by agencies for the United States business economy. It was developed under the auspices of the Executive Office of the President of the United States' Office of Management and Budget (OMB) and adopted in 1997 to replace the Standard Industrial Classification (SIC) System. NAIC codes are utilized in federal and state pretreatment regulations.

OJRSA shall mean the Oconee Joint Regional Sewer Authority.

Oil/Water Interceptor shall mean a tank typically used in low flow drain lines where small quantities of oils, sediment and other liquid contaminants can be removed from wastewater prior to being discharged to the conveyance system or treatment facility. These drain lines may come from variety of facilities including, but not limited to, covered parking garages, machine shops, service stations, and manufacturing facilities.

Operation and Maintenance Costs shall mean all costs, direct and indirect, not including debt service and capital related expenditures, but inclusive of expenditures attributable to administration, monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to assure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

Owner shall mean an individual or entity in possession of title for land, building or other item. The Owner can be a claimer, controller, holder, homeowner, householder, landowner, landlord, lessor, occupier, person holding ownership on record, possessor, property owner, proprietor, record-holder retainer, or title holder.

Pass-Through shall mean a discharge which exits the POTW into Waters of the State/United States in quantities or concentrations which, alone or in conjunction with discharge(s) from other sources, is a cause of a violation of any requirement of the OJRSA's NPDES Permit (including an increase in the magnitude or duration of the violation).

Paunch Manure shall mean the partially digested contents of the stomach during the time period immediately before and after the animal is slaughtered for meat and other by-products.

Permit (or Permitted) shall mean the following, as appropriate:

A. Capacity Permit is a Permit for OJRSA Wastewater System Capacity (or other document that serves this purpose) issued to a User or facility after January 1, 1990.
B. Equivalent Permitting Record (or other document that serves this purpose) is a record for managing and tracking connections to the public sewer. This record may be issued to users before or since January 1, 1990.
C. FOG Permit is a permit to which a FSE or FOG Generator may be issued, and it is valid for a period of five (5) years. This permit can be implemented by OJRSA at their discretion as part of the FOG Control Program.
D. Industrial User Permit is issued when an Industrial or Commercial User discharges wastewater that has the potential to impact the POTW.

E. Discharge Permit can be any of the following permits as issued by the OJRSA and as described in this definition: Capacity Permit, Equivalent Permitting Record, Industrial User Permit, or Satellite Sewer System Permit, as appropriate. It does not include the NPDES Permit.
F. NPDES (or National Pollutant Discharge Elimination System) Permit is a permit, which can include a Land Application Permit, issued to a POTW pursuant to Section 402 of the Clean Water Act, Section 48-1-100 of the SC Pollution Control Act, or (SC R61-9 122 or 505).
G. Satellite Sewer System Permit is issued to Satellite Sewer Systems as defined within these Regulations.

Person shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH shall mean the term used to express the intensity of the acid or base condition of a solution as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.

Plaster Interceptor shall mean a device used to remove plaster from wastewater prior to discharge into the sewer system. Facilities that may be required to install a Plaster Interceptor include, but not limited to, dental offices or locations where arts and crafts are performed (e.g., a school art room). These devices may be installed on individual sinks or on a common effluent line shared by a number of sinks.

Polar Material shall mean analytically quantifiable oil and grease of animal or vegetable origin.

Pollutant shall mean any dredged spoil; solid waste; incinerator residue; filter backwash; sewage; garbage; sludge; munitions; chemical wastes; medical wastes; biological materials; radioactive materials; heat; wrecked or discharged equipment; rock; sand; cellar dirt; municipal, industrial, Commercial, or agricultural waste; or other pollutants; including the characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, Color, BOD, COD, toxicity, SS, odor) as may be defined by EPA, SCDHEC, or OJRSA regulations; discharged into water.

Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes; process changes; or by other means; except as prohibited by SC R61-9.403.6I. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with SC R61-9 403.6(f).

Pretreatment Coordinator shall mean the person authorized by the Executive Director to oversee the Pretreatment Program for the OJRSA. *This position may be a dedicated Pretreatment Coordinator by title or could be the Regulatory Services Coordinator, depending on who is authorized to perform this function.*

Pretreatment Facility. See definition for Pretreatment System.

Pretreatment Program shall mean a program approved by SCDHEC to enforce the national pretreatment program requiring Nonresidential Users that introduce pollutants to the POTW to comply with Pretreatment Standards to ensure the goals of the Clean Water Act are attained. The program also outlines requirements for POTWs to proactively protect its infrastructure while overseeing its management responsibilities.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on an Industrial User or Local Limitation.

Pretreatment Standard (or Standards) shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

Pretreatment System shall mean any process used to reduce the amount of pollutants in wastewater before discharging the wastewater into a conveyance system that ultimately discharges to OJRSA facilities.

Private Sewer shall mean a sewer which is not owned by a public body. These privately-owned sewers also include sewer services ("laterals" or "service laterals"). It is not a public sewer.

Private Utility shall mean wastewater utility that is privately owned and regulated by the South Carolina Public Service Commission.

Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in SECTION 4 of these Regulations.

Public Sewer shall mean a trunk or transportation sewer line or sewer facilities which is owned and controlled by the OJRSA or a collection of lateral lines or adjunct facilities owned and controlled by Satellite Sewer Systems that are connected to the OJRSA in any way, including by passing through another Satellite Sewer System.

Publicly Owned Treatment Works shall mean treatment facilities as defined by Section 212 of the Act, which is owned by the OJRSA. 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 conveyance systems that transport wastewater to a treatment plant. This definition does not include pipes, storm sewers, or other conveyances not connected to a facility providing transportation and/or treatment for wastewater.

Qualified Laboratory shall mean laboratories currently certified by the State under SC Regulation 61-81 to perform wastewater analyses.

Recurring Violation shall be defined as three (3) or more violations for one (1) parameter in a rolling twelve (12) month period.

Regulation shall mean the *OJRSA Sewer Use Regulation* and any policies or supplements thereof as adopted by the Board of Commissioners.

Regulatory Services Coordinator shall mean the person authorized by the Executive Director to oversee OJRSA regulatory services, which includes the OJRSA Pretreatment Program, safety, and other policies for the OJRSA. *This position may also serve as the Pretreatment Coordinator (PC) in lieu of a separate PC position.*

Residential User shall mean a Single-Family Residential User. It shall not include those defined as a Nonresidential User.

Sand/Oil Interceptor shall mean an appropriately sized in-ground tank designed to capture dirt, sand, sweepings, minor petroleum spills, etc. from car washes, vehicle maintenance facilities, and other service and maintenance facilities to prevent these pollutants from entering the wastewater conveyance system and treatment facilities. These devices may also be referred to as a "grit interceptor," "sand trap," or other such name.

Sanitary Wastewater (or Sanitary Sewer or Sanitary Waste). See definition for Wastewater.

Satellite Sewer System shall mean a sewer system that is owned or operated by one (1) person, political subdivision, company, or other such party (all collectively referred to as "party" in this definition) that discharges to a system that is owned or operated by a different party, the operation and maintenance of which are covered in SC R61-9.610. *These systems may be publicly or privately owned.* Satellite Sewer Systems depend on a separate party for final wastewater treatment and discharge and include systems approved under SC R61-9.505.8. It does not mean a system that is monitored by supervisory control and data acquisition (SCADA) systems.

A wastewater system that is not covered by either a NPDES Permit or a State Land Application Permit is a Satellite Sewer System. The group of systems that are covered by this Regulation and the Satellite Sewer System General Permit as issued by SCDHEC (or other such permit issued by SCDHEC and/or EPA) are those that would require

a construction permit under SC R61-67 if built today. There are two (2) basic situations that would normally apply:

A. Sewers serving more than one building (apartments, subdivisions, industrial complex, etc.)
B. Pretreatment systems at industries

There are some exemptions for a construction permit if the system is defined as a service connection in SC R61-67; however, the OJRSA may, at its discretion, issue an operating or other such permit to such facilities.

Satellite Sewer System Permit. See definition for Permit.

Satellite System shall collectively mean a Satellite Sewer System and private sewer.

Service Area shall mean all areas served or capable to be served by the OJRSA as recognized by the appropriate governing body(ies).

Severe Property Damage shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Septic Tank Waste is any sewage from holding tanks such as vessels and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer Service (aka "Lateral" or "Service Lateral") shall mean piping or plumbing that serves individual properties and connect a privately-owned sewer system and plumbing (the portion located on private property) to the public sewer line.

Sewer System shall mean a Satellite Sewer System, Public Sewer, Private Utility, and/or Private Sewer.

Shall is mandatory and requires compliance. May is permissive.

Significant Industrial User shall mean:

A. An Industrial User subject to Categorical Pretreatment Standards (Categorical Industrial User); *or*
B. An Industrial User that:
    1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding non-process wastewater); or
    2. Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    3. Is designated as such by OJRSA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with SC R61-9 403.8(f)(6)).

    Upon a finding that a User meeting the criteria in Subsection B of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, OJRSA may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in SC R61-9 403.8(t)(6), determine that such User should not be considered a Significant Industrial User.
C. A Commercial or Institutional User who is not subject to Categorical Pretreatment Standards but who may be subject to Local Limits. The same definitions set forth in B.1, B.2, and B.3 shall apply to these Users.

Significant Noncompliance shall mean one or a combination of any of the following:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal, or exceed, the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC multiplier is one and four-tenths (1.4) for BOD, TSS, fats, oil, and grease;, and one and two-tenths (1.2) for all other pollutants except pH);
C. Any other violation of a Pretreatment Standard or Requirement as defined by SC R61-9 403.3 (Daily Maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass- through including endangering the health of POTW personnel or the general public;
D. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in OJRSA's exercise of its emergency authority to halt or prevent such a discharge;
E. Failure to meet within ninety (90) calendar days of the scheduled date, a Compliance Schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
F. Failure to provide within forty-five (45) calendar days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic discharge monitoring reports (DMR), and reports on compliance with Compliance Schedules;
G. Failure to accurately report noncompliance;
H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment Program.

Single-Family Residential shall mean an independent residential structure that sits on its own land and is intended to be used as a single unit with unshared utilities. Includes traditional detached homes, mobile homes, Multi-Family Developments (if units have individual sewer plumbing that is not combined prior to connection to the public sewer system), and recreational vehicle ("RV")/camper site with an individual Water Meter and sewer connection.

Slug Load (or Slug) shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in SECTION 4 of these Regulations; or any discharge of a nonroutine, 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 will violate OJRSA Regulations, Local Limits, or Permit conditions.

Standard Industrial Classification System shall mean a classification pursuant to the 1997 edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States' Office of Management and Budget (OMB). The NAICS system was set in place in 1997 to take the place of the SIC System. The SIC codes are still referenced in some pretreatment regulations and are still currently in use.

State shall mean the state of South Carolina.

Storm Sewer shall mean a sewer that carries only stormwater, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory methods as prescribed by 40 CFR Part 136, or equivalent methods approved by EPA, and referenced as non-filterable residue.

Total Ammonia Nitrogen shall mean nitrogen in the form of ammonia and the ammonium ion found in wastewater as prescribed in 40 CFR Part 136 or equivalent methods approved by EPA. The chemical formula for this compound is NH_3-N.

Total Kjeldahl Nitrogen shall mean the sum of organic nitrogen and ammonia nitrogen content of a wastewater as prescribed in 40 CFR, Part 136, or equivalent methods approved by EPA.

Total Phosphorus shall mean the sum of the dissolved and suspended organic and inorganic phosphorus content of a wastewater as prescribed in 40 CFR Part 136, or equivalent methods approved by EPA.

Toxic (as in Materials, Pollutants or Substances) shall mean any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment process or constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of 307 (33 USC §1317) of the Act, or other acts.

Unpolluted Water shall mean water of sufficient quality that it would not be in violation of Federal or State water quality standards if such water were discharged to Waters of the State/United States.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User shall mean any person or entity (Residential, Nonresidential, Commercial, Industrial, Institutional, Nonsignificant Industrial, and/or other) who directly or indirectly discharges, causes, or permits the discharge of wastewater to the POTW. *Also see Industrial User and Nonsignificant Industrial User.*

User Charge shall mean the system of charges levied on Users for the operation and maintenance costs of the wastewater disposal system by OJRSA, as well as other costs considered appropriate as established by the Board of Commissioners.

Wastewater shall mean the combination of the liquid and water-carried wastes from residences, Commercial buildings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration and inflow.

A. Sanitary wastewater shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
B. Industrial wastewater shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and cooling water.

Wastewater Disposal System shall mean the land, structures, equipment, and processes owned and controlled by the OJRSA (unless specified otherwise) required to collect, transport, and treat wastewater and to dispose of the effluent and accumulated residual solids.

Water Meter shall mean a device for measuring and registering the quantity of water that passes through a pipe or other outlet. For the purposes of this Regulation, the water that passes through a Water Meter that measures any water which is discharged to a conveyance system, regardless of whether all or any water is disposed of in the sewer that is conveyed to the OJRSA wastewater treatment plant. *A Water Meter does not include meters on plumbing and pipes that are not connected to the sewer system, such as many fire suppression and irrigation systems as they are not typically connected to a collection system; however, if it is determined that they are on a case-by-case basis, then they shall be treated as a Water Meter defined herein.*

Waters of the State shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all 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.

Waters of the United States shall be defined by 40 CFR 230.3(s).

Wet Signature shall mean an original signature created when a person physically marks a document using pen and ink with the intent to sign the record.

Winery shall mean a facility in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded. Wineries may include a retail store and a tasting room for products for produced at the facility *Also see Alcoholic Beverage*.

Yellow Grease shall mean fats, oils, and grease that has not been in contact or contaminated from other sources (water, wastewater, solid waste, etc.) and can be recycled. Most "yellow grease" is deep fat fryer grease that has been used and is normally stored in a grease recycle container or bin for beneficial reuse. OJRSA does not accept yellow grease. Yellow grease may not be mixed with any other waste that is being disposed at a OJRSA water reclamation facility.

2.4 Acronyms, Abbreviations, and Symbols

°C: Celsius
°F: Fahrenheit
n
ADF: Average Daily Flow (unit of volume during a period of time)
ADMI: American Dye Manufacturers Institute
AO: Administrative Order
ASCE: American Society of Civil Engineers
ASTM: American Society of Testing and Materials-International
Atty: OJRSA Attorney (General Counsel) and/or Other Legal Counsel as Designated by OJRSA Board of Commissioners
BMP or BMPs: Best Management Practice(s)
BOD: Biochemical Oxygen Demand
CAO: Chief Administrative Officer
CCPI: Cumulative Consumer Price Index
CEC: Contaminants of Emerging Concern
CEO: Chief Executive Officer
CFR: Code of Federal Regulations
CIU: Categorical Industrial User
CMOM: Capacity, Management, Operation, and Maintenance Audit
CPI: Consumer Price Index of All Urban Consumers (CPI-U)—U.S. city average, All items (as issued by the US Bureau of Labor Statistics)
COD: Chemical Oxygen Demand
CROMERR: Cross Media Electronic Reporting Rule
CWA: Clean Water Act
Dir: Executive Director of the OJRSA
DMR: Discharge Monitoring Report
e.g.: *Exempli Gratia*, Latin for "for example"
EPA: United States Environmental Protection Agency
ERG: Enforcement Response Guide
et seq.: *Et Sequentes*, Latin for "and the following"
FCD: FOG Control Device
FOG: Fats, Oils, and Grease
FOG Insp: FOG Inspector (or person(s) authorized to serve in this capacity for the OJRSA)
FOIA: South Carolina Freedom of Information Act (SC Law Title 30 Chapter 4)
FSE: Food Service Establishment
gal: Gallon (unit of volume)
gpd: Gallons per Day (unit of volume during a period of time)
I&I: Inflow and Infiltration
in.: Inch or Inches, as appropriate (unit of distance)
IU: Industrial User
kg: Kilogram (unit of mass)
lb (or lbs): Pound or Pounds, as appropriate (unit of mass)
mg/L: Milligrams per Liter (unit of concentration)
NAICS: North American Industry Classification System
NCPS: National Categorical Pretreatment Standard(s)
NH_3-N: Ammonia Nitrogen
No.: Number
NOAA: National Oceanic and Atmospheric Administration
NOSNC: Notice of Significant Noncompliance
NOV: Notice of Violation
NPDES: National Pollutant Discharge Elimination System
O&M: Operation and Maintenance
OD: Oxygen Demand
OJRSA: Oconee Joint Regional Sewer Authority
OJRSA SUR *xx* (where "xx" is either letters and/or numbers): Oconee Joint Regional Sewer Authority Regulation ("xx" references the regulation)
OMB: Office of Management and Budget, an office within the Executive Office of the President of the United States

OSHA: Occupational Safety and Health Administration
PC: Pretreatment Coordinator or person(s) authorized to serve in this capacity by or Inspector for the OJRSAPFAS: Per- and Polyfluoroalkyl Substances
pH: Potential of Hydrogen or Power of Hydrogen (unit of acidity/basicity)
PL: Public Law
POTW: Publicly Owned Treatment Works
PU: Private Utility
QAC or QACs: Quaternary Ammonium Compound(s)
RSC: Regulatory Services Coordinator or Inspector (or person(s) authorized to serve in this capacity for the OJRSA)
SC R*xx* (where "xx" is either letters and/or numbers): South Carolina Regulation ("xx" references the regulation)
RCRA: Resource Conservation and Recovery Act
SC: South Carolina
SCADA: Supervisory Control and Data Acquisition
SCDHEC: South Carolina Department of Health and Environmental Control or any successor agency
SDWA: Safe Drinking Water Act
SIC: Standard Industrial Classification System
SIU: Significant Industrial User
SNC: Significant Noncompliance
SS: Suspended Solids
SU: Standard Units for pH Measurements
SUR: *OJRSA Sewer Use Regulation*
SWDA: Solid Waste Disposal Act
TKN: Total Kjeldahl Nitrogen
TMS: Tax Map System
TRC: Technical Review Criteria
TSS: Total Suspended Solids
US: United States
USC: United States Code
WEF: Water Environment Federation

2.5 Document Format

This manual contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Sewer Use Regulation*.

BOLD RED CAPITAL LETTERS	Important point of emphasis
Dashed Underline	Name of a form to use for documenting a referenced task
Italic 'Cambria Math' Font	Mathematic or chemistry formula
Italics	Title of books, manuals, and other documents or unfamiliar foreign words
MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
Underlined	Word being defined (limited to SECTION 2.3)
Underlined Italics	A note of emphasis

Section 3 – Use of Sewers

3.1 Use of System Constitutes Acceptance

The use of the wastewater treatment facilities of the OJRSA by any User shall constitute the User's consent and agreement to comply with and abide by the terms and conditions of these Regulations and the rules and regulations promulgated hereunder, including enforcement and penalty provisions.

3.2 Sewer Systems

A. OJRSA shall not accept a connection from any Sewer System owned by more than one (1) User. This requirement shall not apply to systems which are owned by multiple public entities.

B. For service requests outside of the service area of a Member City, Satellite Sewer System, or a municipal or County Sewer System, any Private Utility (PU) desiring to connect a Sewer System to an OJRSA trunk line shall make application to OJRSA and must enter into an agreement or Discharge Permit with OJRSA whereby the PU covenants to restrict future conveyances of the Sewer System as follows:
    1. The PU and its successors agree that any and all future conveyances of the Sewer System are restricted and limited to conveyances to a single entity of the entire system of gravity lines, force mains, and pump stations constituting a Sewer System. Maps indicating size, inverts, and locations of all infrastructure shall be provided to OJRSA in acceptable electronic and paper formats as identified in the *OJRSA Development Policy*;
    2. OJRSA may seek injunctive relief to enforce the terms of the Agreement until such time that the Sewer System in its entirety is owned by a public entity.
    3. Further, the application to OJRSA will include an opinion from the PU's legal counsel that such PU is authorized to own and operate the Sewer System and to enter into the contracts by which it gained ownership and control of the system.

C. Sewer Systems that are to remain privately owned must be permitted by SCDHEC and/or the OJRSA as a Satellite Sewer System and shall conduct operations and maintenance on the PU system in compliance with the SCDHEC Satellite Sewer System Permit or other such permit or requirement of SCDHEC and these Regulations.

D. Service requests inside the service area of a Member City, municipality, or County sewer.
    1. All requests for service inside the service area of a Member City, municipality, or County shall be under the direction and approval of a Member City, municipality or County. This provision allows the Member City, municipality, or County to use a PU under contract. OJRSA shall consider such Sewer System a part of the Member City, municipality, or County's Sewer System.
    2. The application for service to OJRSA shall be under the direction and approval of the Member City, municipality, or County with a pledge to OJRSA that shall the PU become insolvent, inoperable, or subject to any regulatory warning for an unsafe or unsanitary operating condition which is uncured for more than thirty (30) calendar days, then the Member City, municipality, or County will assume ownership, operational, maintenance, and financial responsibility for the PU.
    3. For any Sewer System owned by a PU, OJRSA shall be provided with a copy of the contract by which such entity obtained control of the system. A term of that contract shall require ownership of the system shall be transferred to a public utility if the PU becomes insolvent, or the Sewer System becomes inoperable or subject for thirty (30) calendar days to an uncured regulatory warning for an unsafe or unsanitary operating condition. The contract will include express provision giving OJRSA standing to bring an action to enforce the terms of the contract as a third-party beneficiary thereto.

3.3 Permits Required

A. Prior to connection to the wastewater disposal system, the applicant shall obtain approval from OJRSA via Discharge Permit. Application shall be made in writing on forms provided by the OJRSA.
B. Discharge Permits are issued to a specific User for a specific function or purpose. A Discharge Permit shall not be reassigned, transferred, or sold to a new Owner, new User, and/or different premises/parcel. Industrial Users must also comply with OJRSA SUR 3.3(D) and 6.1.
C. All Users of the system after January 1, 1990 shall apply for a Capacity Permit (or equivalent permitting record) for documenting sewer connections to any sewer that conveys wastewater to OJRSA facilities. Such permits must be approved by OJRSA prior to connecting to and/or using the public sewer.
D. Industrial Users
    1. All new industries discharging industrial wastewater shall complete an Industrial Discharge Permit Application and Questionnaire and obtain approval to connect and use the sewer facilities, regardless of the amount of discharge (including "zero (0) discharge" facilities that haul wastewater offsite for treatment or disposal). If applicable, facilities may be issued an Industrial User Permit.
    2. All currently permitted Industrial Users shall apply for renewal of their Industrial User Permit by completing an Industrial Discharge Permit Application and Questionnaire and submitting it to the Director or his/her designee at least one hundred eighty (180) calendar days prior to expiration of the current permit. The Industrial Discharge Permit Application and Questionnaire shall be as provided by the Director or his/her designee. This application shall be obtained from the OJRSA.
E. Nonresidential Users are subject to being permitted as a Nonsignificant Industrial User with requirements to assist in compliance with the *OJRSA Sewer User Regulation* and eliminating prohibited discharges into the collection system. At OJRSA's discretion, such facilities may be issued a Nonsignificant Source Wastewater Discharge Permit.

3.4 Responsibility of Costs

All costs and expense incident to the installation and connection of building sewers and/or extension of the conveyance system shall be borne by the Owner.

3.5 Use of Public Sewers Required

A. It shall be unlawful to discharge to any Natural Outlet in areas under the jurisdiction of the OJRSA any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and with regulations of SCDHEC.
B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
C. The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is a public sanitary sewer, is hereby required at the expense of the Owner to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of these Regulations. Under unusual or specific circumstances, the Director may waive this provision. This requirement shall not apply to any of the above-described properties that, as of the date this Regulation is adopted, are utilizing a septic system permitted by SCDHEC in compliance with S.C. Regulation 61-56. Such properties may continue to utilize their existing septic systems until and unless SCDHEC requires those properties to connect to public sewer pursuant to S.C. Regulation 61-56.
D. Exceptions
    1. Force mains shall not be considered accessible and shall not be utilized by any User for direct connection of sewer service.
    2. Where annexation or easements to cross adjacent property are required to connect to the wastewater system at the time of application, then sewer shall not be considered accessible. A deed and plat must be on file with the Register of Deeds indicating the parcel(s) located between

the property to be developed and the sewer system. The adjacent parcel(s) which must be crossed shall be identifiable by County Tax Map System (TMS) number.

E. Requirements of Other Authorities – No requirement or provision of this Regulation shall be construed to relieve a User of any additional requirements that may be imposed by other authorities having legal jurisdiction.

3.6 Sewer Construction and Materials

A. All construction methods, materials, and details for sewer construction and connections to the OJRSA must meet the minimum requirements stated in the *OJRSA Development Policy*, which is an enforceable extension of this Regulation. For conditions not addressed in the Development Policy, the OJRSA shall consider these situations on a case-by-case basis.

B. Where the Owner desires the OJRSA to assume responsibility for the operation and maintenance of new treatment works, trunk lines, or pump stations, all such facilities shall be designed and constructed in accordance with the OJRSA's requirements as stated within the current version of the OJRSA Development Policy and shall be subject to their review and approval and be in compliance with any applicable SCDHEC requirements. The OJRSA, subject to OJRSA policies, may assume responsibility for the operation and maintenance costs of treatment systems and pump stations upon such terms and conditions as it deems appropriate.

3.7 Certain Connections Prohibited

A. Connections Not Allowed to Sewer
   1. No person shall make any connection of roof downspouts, exterior foundation drains, area drains, dumpster pad drains, or other sources of inflow, infiltration, or other unpolluted waters to a building sewer or building drain which in turn is connected, directly or indirectly, to a sanitary sewer.
   2. Floor drains are not permitted in areas where machining, automotive repair, painting, and other such activities take place that are directly or indirectly (such as to a Satellite Sewer System) connected to the OJRSA sanitary sewer system.
   3. No Commercial, Institutional, Industrial, or other Nonresidential Users as defined shall install a garbage grinder or allow any discharge from such grinder from any unit or portion of its facility unless written permission has been granted by the Director.
   4. Swimming pools, spas, hot tubs, and the like shall not connect unless in compliance with OJRSA SUR 4.2(D).

B. Connection Not Allowed to Storm Sewers – No sanitary wastewater shall be discharged into a storm sewer. Upon discovery, such disposals shall be reported to SCDHEC for investigation and enforcement.

3.8 Multiple Connections Through One-Building Sewer

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no sanitary sewer is available nor can be constructed to the rear building through an adjoining alley, court, yard, easement, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer with prior approval by OJRSA.

3.9 Use of Old Building Sewers

A. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing, to meet all requirements of these Regulations.

B. For connections to Satellite Sewer Systems, it shall be the responsibility of the system Owner to confirm compliance with these Regulations prior to authorizing the connection to their system.

C. Where public sewer is not available according to the provisions of these Regulations, building sewers shall be connected to private wastewater disposal systems subject to the requirements of the County or SCDHEC.

3.10 Compliance with Other Regulations

The size, slope, alignment, materials of construction, excavating methods, pipe placement, jointing, testing, and backfilling shall all conform to the building code and plumbing code. In the absence of other provisions, the materials and procedures set forth in *ASCE Manual of Practice No. 60.* And *WEF Manual of Practice No. FD-5* shall govern. All joints of the building sewer shall be tight and waterproof.

3.11 Connection of Building Sewer to Public Sewer

A. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.
B. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by a means approved by the OJRSA and discharged to the building sewer.
C. The connection of the building sewer into the public sewer shall conform to the requirements of applicable building and plumbing codes and the *OJRSA Development Policy*. All such connections shall be made gastight and watertight.
D. Any deviation from the prescribed procedures and materials must be approved by the Director or in accordance with the *OJRSA Development Policy* before installation.

3.12 Supervision of Building Sewer Construction

The applicant for the building sewer permit shall notify the OJRSA when the building sewer is ready for inspection and connection to the public sewer no less than two (2) full business days prior to making the connection. The OJRSA, at its discretion, reserves the right to install, supervise, and/or inspect all connections to the public sewer. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the OJRSA. Construction shall comply with the provisions of PL 91-596, the Occupational Safety and Health Act of 1970.

3.13 Special Pretreatment Devices

A. All special pretreatment devices may be subject to construction and operational permitting by SCDHEC.
B. FOG Control Devices
    1. FOG Interceptors and FOG Traps shall be provided when they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, sand, or other harmful ingredients as required by Section 9 of these Regulations. Applicable facilities for these systems include those identified in that Section; except that such devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated Multi-Family Developments as stated in OJRSA SUR 9.3(C).
    2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall be located as to be readily and easily accessible for cleaning and inspection with adequate and approved security mechanisms installed to prevent unauthorized access or use.
    3. Where installed, all FOG Interceptors and FOG Traps shall be maintained and secured by the Owner at their expense and in continuously efficient operation at all times.
    4. In maintenance of these devices, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body as appropriate.

5. Any removal and hauling of collected materials shall be performed according to applicable State, Federal, and Local regulations.
6. Additional requirements and regulatory guidance for the installation, operation, and maintenance of FOG Interceptors and FOG Traps can be found in the *OJRSA Development*.

C. Oil and Grit Removal Systems
1. Oil/Water Interceptors and Sand/Oil Interceptors shall be provided when they are necessary for the proper handling and removal of oil, sand, or other harmful pollutants. Applicable facilities for these systems include, but are not limited to, car washes, auto maintenance shops, mechanical maintenance shops, industries, etc.
2. All devices shall be of a type and capacity approved by the Director or his/her designee and shall be located as to be readily and easily accessible for cleaning and inspection with adequate and approved security mechanisms installed to prevent unauthorized access or use.
3. Where installed, all Sand/Oil Interceptors and Oil/Water Interceptors shall be maintained and secured by the Owner at their expense in continuously efficient operation at all times.
4. In maintenance of these devices, the Owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the OJRSA, State, EPA, or other governing body as appropriate.
5. Any removal and hauling of collected materials shall be performed according to applicable State, Federal, and Local regulations.
6. Sand/Oil Interceptors and Oil/Water Interceptors must be cleaned out every three (3) months unless the facility can document that four (4) months does not affect the functionality of the devices or impact the sewer system.
7. Additional requirements and regulatory guidance for the installation, operation, and maintenance of Sand/Oil Interceptors and Oil/Water Interceptors can be found in the *OJRSA Development Policy*.

D. Pretreatment Facilities – In addition to the installation of Pretreatment Facilities as may be necessary to meet the requirements of SECTIONS 4.4 and 4.9, Industries or other Users are required to install specialized equipment on a case-by-case basis as determined by the OJRSA and/or SCDHEC in order to:
1. Prevent the introduction of pollutants into the wastewater conveyance system and treatment facilities that will interfere with their operations or pass-through untreated or undertreated;
2. Improve opportunities to recycle and/or reclaim municipal and industrial wastewaters and sludges;
3. Protect the wastewater conveyance system from unnecessary degradation or blockages; and/or
4. Protect employees and others that perform work on the conveyance system and/or treatment facilities.

E. Others as necessary for the OJRSA to protect its conveyance system, treatment facility, and/or to comply with its NPDES Permit requirements. Such devices may include, but are not limited to Lint Interceptors, Hair Trap/Interceptors, and Plaster Separators.

3.14 PLANS, SPECIFICATIONS, AND CONSTRUCTION GENERAL GUIDANCE

A. The *OJRSA Development Policy* is an enforceable extension of this Regulation.
B. *OJRSA Development Policy* shall be used for designing private sewers, including service connections ("laterals"), or conveyance systems that are to be owned, operated, or maintained by the OJRSA.
C. OJRSA approval of plans, specifications, and construction for the expansion or modification to facilities and pretreatment systems shall be based on *OJRSA Development Policy* and other regulations (e.g., SCDHEC).
D. All facilities to be deeded to and accepted by the OJRSA shall be completed, construction requirements for engineering standards or regulations met per SECTION 3.14, and be inspected and approved by County or Member City Codes Department (or other as appropriate), OJRSA, and/or SCDHEC.

3.15 CONNECTION CONSTITUTES CONSENT

Connection to the OJRSA's system shall constitute consent and agreement by the User to be bound by and to abide with all OJRSA Regulations and requirements.

3.16 Specifications for Connections to Sewer

Information regarding connection, testing, inspection, and materials to OJRSA sewer can be found in the *OJRSA Development Policy*.

3.17 Variances

A. The OJRSA shall not grant variances for requirements or mandates established by or based upon Federal or State laws and regulations. Variances allowed by Federal or State law will be considered by the Director and may be included in a Discharge Permit or other written document as issued by OJRSA.
B. All variances may be revoked or required to be modified in order for the OJRSA to comply with Federal and State laws.
C. The variance procedure as listed in the *OJRSA Development Policy* shall apply for OJRSA Regulation and policies, including but not limited to these Regulations, fees, design, and construction matters.

Section 4 – Prohibitions and Limitations on Wastewater Discharges

4.1 Prohibited Discharges

A. General Prohibitions – It shall be unlawful for any person to discharge wastewater which causes a hazard to human life, creates a public nuisance, exceeds specific limitations set forth hereinafter, or causes pass-through or interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to National Categorical Pretreatment Standards or any other Federal, State, or local regulations or ordinances. When the Director determines that a User is discharging such wastewater, the Director shall advise the User of the potential impact of the discharge and develop effluent limitations for such discharge to protect the POTW.

B. Specific Prohibitions – A User shall not discharge the following substances to the POTW:

1. Uncontaminated cooling water, condensate, ground water from wells, and/or surface water may not be discharged to the conveyance system and POTW unless otherwise approved in an industrial wastewater discharge permit.
2. Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Wastewater shall not have a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) using test methods specified in 40 CFR 261.21. Materials specifically prohibited from discharge into the POTW include gasoline, kerosene, naphtha, fuel oil, lubricating oil, and any other substances which the OJRSA, State, OSHA, or EPA identifies as a fire or explosive hazard or a hazard to the system.
3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference, such as, but not limited to: floatable oil, garbage with particles greater than one-half inch (0.5 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, non-woven fabrics and wipes, hygiene products, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. **GRINDING OR SHREDDING OF SOLIDS DOES NOT RENDER SUCH SOLIDS ACCEPTABLE FOR DISCHARGE TO THE POTW.**
4. pH Levels Considered to be Extremely Acidic or Basic
   (a) Wastewater having a pH less than six-point-zero standard units (6.0 SU), unless other limits are approved by the Director, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
   (b) A pH greater than ten-point-zero standard units (10.0 SU) is only accepted with special permission from the Director in an industrial discharge permit.
   (c) No wastewater with a pH greater than twelve-point-zero standard units (12.0 SU) will be accepted by OJRSA.
5. Wastewater containing pollutants in sufficient quantity, either singly or by interaction with other pollutants which will cause interference, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW.
6. Noxious liquids, gases, or solids which either singly, or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
7. Wastewater, liquid, or vapors having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), or results in a temperature higher than one hundred four degrees Fahrenheit (104°F) at the influent to the POTW or heat in such an amount as will inhibit biological activity in the POTW and result in interference.

8. Wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable Federal or State regulations.
9. Wastewater which constitutes a slug discharge as defined herein.
10. Substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the SDWA, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
11. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through.
12. Any wastewater which imparts a visible sheen in the effluent of the POTW is prohibited.
13. Any pollutants which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
14. Any trucked or hauled pollutants not authorized under SECTION 10 of these Regulations.
15. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts observable and/or measurable color to the treatment plant's effluent thereby violating the OJRSA's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
16. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
17. Any medical wastes, except as specifically authorized by the Director in writing by execution of a Capacity Permit, Industrial User Permit, other permit, or binding agreement. No medical waste may pose a biohazard risk to OJRSA staff, the public, or the environment. *Liquid cremation processes and the like will be considered by OJRSA on a case-by-case basis.*
18. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
19. Any wastes containing detergents, surface active agents, or other substances in sufficient concentrations which may cause excessive foaming in the POTW.
20. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Inflow Prohibitions: Any wastewater drains located outside the building must be covered with a roof or hatch and also have a berm or appropriate stormwater barrier around it to prevent the drainage of stormwater into the sewer (e.g., mop basin, sampling point, etc.). Outdoor grated cleanouts are not allowed in the OJRSA territory to prevent the introduction of stormwater to the sewer, which includes industrial and other wastestream sampling points. Dumpster pad drains are not allowed to be connected to any system that discharges wastewater to the OJRSA wastewater treatment plant. Any outside drain must be approved by OJRSA and will be evaluated on a case-by-case basis. Outside sampling locations are also included in this requirement. The sampling location must have an aluminum or lightweight cover to prevent stormwater from getting into the sewer line. A notch can be cut out of the lid to allow sampling tubing for the composite sampler.

4.2 CONDITIONALLY PROHIBITED DISCHARGES

Certain discharges may be prohibited in the event the Director determines it necessary to protect the POTW, receiving stream, or that the discharge will endanger lives, health, public property, or constitute a nuisance. The Director may revise the limitations established in this Section if, in their opinion, different limitations are necessary

to meet the above objectives. **WASTEWATER AS DESCRIBED BELOW SHALL NOT BE DISCHARGED TO THE POTW WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.**

A. Grease, Waxes, and Oils:
   1. Petroleum oil, cutting oils, coolants, or products of mineral oil origin (hydrocarbons)
      (a) Wastewater shall not exceed an average concentration of more than one hundred milligrams per liter (100 mg/L) of such oil or grease.
      (b) Analyses shall be performed in accordance with 40 CFR Part 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants.
   2. Oil or Grease of Animal or Vegetable Origin
      (a) Wastewater shall not exceed an average concentration of more than two hundred milligrams per liter (200 mg/L) of such oil or grease.
      (b) Analyses for total oil and grease and for total petroleum oil and grease shall be performed in accordance with 40 CFR 136 Guidelines Establishing Test Procedures for the Analysis of Pollutants. The difference between the hydrocarbon analysis and the total recoverable grease and oil analysis will be considered grease or oil of animal or vegetable origin.
   3. Wastewater containing substances which may solidify or become viscous at a temperature between thirty-two and one-hundred fifty degrees Fahrenheit (32°F-to-150°F).
   4. Wastewater or waste containing oil or grease or septage that is hauled to OJRSA facilities. SECTION 9 and SECTION 10 of this Regulation address provisions as they are applicable to hauled waste.

B. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed.
C. Holding tank waste.
D. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water (including industrial wastewater), unless specifically authorized by the Director.

4.3 ESTABLISHING LOCAL LIMITS AND OTHER REQUIREMENTS

A. The Director may impose limitations more stringent than the National Categorical Pretreatment Standards or Local Limits in wastewater discharge permits where it is necessary to comply with the objectives of these Regulations.
B. No person shall discharge wastewater in excess of the concentration or mass limit set forth in National Categorical Pretreatment Standards, and/or Local Limits as established by the Director, or limitations as listed on an individual Discharge Permit. The Director shall establish permit limitations on industrial and Commercial Users on a case-by-case basis in accordance with SCDHEC and EPA regulations. Where appropriate and allowed by applicable regulations, the Director may impose concentration and/or mass limitations on a discharge.
C. The Director may establish Local Limits pursuant to 40 CFR 403.5(c). If/when established, no person shall discharge wastewater containing an excess of these pollutant limits.
D. The Director may develop Best Management Practices (BMPs), by Policy or include such in individual Discharge Permits to implement Local Limits and the requirements of SECTION 4.1 of these Regulations.

4.4 NATIONAL CATEGORICAL PRETREATMENT STANDARDS AND LOCAL LIMITS

A. Users must comply with the National Categorical Pretreatment Standards (NCPS) found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and/or SECTION 4.3.
B. Users must also comply with Local Limits, to include applicable State Pretreatment Standards, as codified in S.C. R.61-9 403.
C. Specific pollutant limitation and Compliance Schedules shall be developed by the Director and made a part of the User's Discharge Permit. New Sources must be in compliance with NCPS or Local Limits at the

initiation of a discharge. These specific limits and definitions of duration and maximums shall be on file at the OJRSA's office and available upon request. Future changes or additions to these limitations shall be developed, set, and adopted by OJRSA and will be published, and when adopted by OJRSA be automatically incorporated into the Pretreatment Program.

1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with this Section.
2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director may impose an alternate limit in accordance with SC R61-9 403.6I.
4. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that OJRSA convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director. OJRSA may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.
    (a) To be eligible for equivalent mass limits, the Industrial User must:
        (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
        (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment (SECTION 4.5);
        (iii) Provide sufficient information to establish the facility's actual average daily flow (ADF) rate for all waste streams, based on data from a continuous effluent flow monitoring device as well as the facility's long-term average production rate. Both the actual ADF rate and the long-term average production rate must be representative of current operating conditions;
        (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
        (v) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
    (b) An Industrial User subject to equivalent mass limits must:
        (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
        (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
        (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraph 4.4(C)(4)(a)(iii) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
        (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph 4.4(C)(4)(a)(i) of this Section as long as it discharges under an equivalent mass limit.

(c) When developing equivalent mass limits, the Director:
   (i) Will calculate the equivalent mass limit by multiplying the actual ADF rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average standards for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
   (ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
   (iii) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual ADF rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual ADF rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to SECTION 4.5. The Industrial User must also be in compliance with these Regulations regarding the prohibition of bypass.

5. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
   (a) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated Categorical Pretreatment Standards from which the equivalent limitations were derived.
   (b) Many Categorical Pretreatment Standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or four (4) day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
   (c) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

4.5 DILUTION PROHIBITION

Except where authorized by applicable Categorical Pretreatment Standards, no User shall deliberately dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations developed by the OJRSA, State, or Federal Regulations.

4.6 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

A. OJRSA shall evaluate whether an Industrial User needs to develop and implement an accidental discharge/ slug control plan or other actions to control slug discharges. Users shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the expense of the Owner. When required, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the OJRSA for review and shall be approved by the OJRSA and SCDHEC as necessary before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the responsibility to modify the facility as necessary to meet the requirements of these Regulations.

B. The accidental discharge/slug control plan when required shall be submitted to the Director and to SCDHEC containing at a minimum the following:
   1. Description of discharge practices, including nonroutine batch discharges.
   2. Description of stored chemicals.
   3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges.
   4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

4.7 Upset Provision as an Affirmative Defense

A. Effect of an Upset – An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of Paragraph 4.7(B) are met.
B. Conditions Necessary for Demonstrating Upset – A User who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence, that:
   1. An upset occurred and the User can identify the cause(s) of the upset;
   2. The facility was at the time being operated in a prudent and worker-like manner and in compliance with applicable operation and maintenance procedures; and
   3. The User has submitted the following information to the OJRSA Regulatory Services Coordinator or Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays) of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) calendar days]:
      (a) A description of the indirect discharge and cause of noncompliance;
      (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
C. User Burden of Proof – In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
D. Judicial Determination
   1. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards, as outlined in Section 8 herein.
   2. User Responsibility in Case of Upset – The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

4.8 Notice of Process Change/Interruption of Operation

Notice by the User shall be given to the Director in advance or at the earliest possible time when normal operations of the industry as identified by the industry in its permit application will be interrupted for forty-eight (48) hours or longer, when wastewater will not be discharged, or prior to implementation of a process change which will alter characteristics of the wastewater.

4.9 PRETREATMENT

A. Users shall provide wastewater pretreatment as required to comply with these Regulations or Discharge Permit and shall achieve compliance with these Regulations and all Categorical Pretreatment Standards within the specified time limitations. A permit to construct pretreatment facilities shall be obtained from SCDHEC (see SC R61-67). Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review. Submittal of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Director prior to the initiation of the changes.

B. Any facilities required to pretreat wastewater shall be constructed, operated, and maintained at the expense of the User. The pretreatment system tanks and pipes must be labeled to clearly show the process and what is added to the wastewater.

C. Additional Pretreatment Measures
   1. Whenever deemed necessary, the Director may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewer wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of these Regulations.
   2. A Significant Industrial User (SIU) [or Categorical Industrial User (CIU) as all CIUs are SIUs] may be required to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow over a period determined by the Director. The facility shall have a reasonable capacity for the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Director. A Discharge Permit may be issued solely for flow equalization in order to prevent a heavy flow discharge into the sewer.
   3. FOG Interceptors, FOG Traps, Oil/Water Interceptors, or Sand/Oil Interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of fats, grease, oil, or sand; except that such interceptors shall not be required for Residential Users as defined in these Regulations. All interception units shall be of type and capacity as stated in the *OJRSA Development Policy* and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the Owner at their expense, as stated in SECTION 9.
   4. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

4.10 BYPASS AS AN AFFIRMATIVE DEFENSE

A. Any User which bypasses treatment facilities as defined in SC R61-9 403.17 shall comply with the requirements of that State regulation and applicable other Federal and State regulations.

B. An Industrial User may allow a bypass to occur only when it does not cause National Categorical Pretreatment Standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

C. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least ten (10) calendar days before the date of the bypass. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director within twenty-four (24) hours, regardless of day (including nights, weekends, and holidays), from the time the Industrial User becomes aware of the bypass.

D. A written submission shall be provided within five (5) calendar days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the

duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

E. The Director may take enforcement action against an Industrial User for a bypass, except where the User establishes an affirmative defense of bypass. For this affirmative defense the User must show the following:
    1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property or environmental damage; and
    2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
    3. The Industrial User submitted notices as required in this Section.

F. The Director may approve an anticipated bypass after considering its adverse effects if the Director determines at it will meet the conditions listed in this section.

4.11 Recovery of Preventative Expenses

When any discharge in the opinion of the Director appears to be in violation of this Regulation to the extent that the discharge may cause an interference with, or have an adverse impact upon, the operation of facilities, the OJRSA may act to take preventative action. All costs and expenses, losses, and damages, including the reasonable value or cost of the use of OJRSA personnel and equipment caused or incurred by the implementation of preventative measures shall be charged to and paid by the User and/or Owner.

4.12 Control of Contaminants of Emerging Concerns

OJRSA has determined that the discharge of Contaminants of Emerging Concern (CEC) by Users may bring risks to the POTW, human health and the environment through pass-through and other impacts addressed by this Regulation. OJRSA shall address CEC in the following manner for the purposes of this Regulation and protection of receiving waters/biosolids.

A. OJRSA may require Users to provide specified information on the User's purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CEC; and specified information on Users' products and processes that may contribute to the creation of discharge of CEC.

B. OJRSA may require Users to provide specified wastewater discharge information or other data on any CECs identified by either OJRSA or by the User consistent with Paragraph A above or otherwise determined by OJRSA to be potentially discharged by the User as a wastewater or other waste constituent. Such data shall include any existing data in the possession or control of the User and may include requirements for the User to sample and generate at its cost such data. OJRSA may also itself sample and generate such data, and OJRSA's costs therefore shall be billed to User as a part of User's periodic wastewater bills in accordance with this Regulation.

C. When OJRSA determines it is necessary for the purposes of this Regulation, it may require by Industrial User Permit (through either a new permit, reissuance, or amendment), by Administrative Order (Section 8.2) or otherwise pursuant to the terms of this Regulation actions by a User to address CEC.
    1. Such actions may include:
        (a) Further or routine monitoring requirements;
        (b) Numeric effluent limits adopted as Local Limits or calculated as either generally applicable or User-specific technology-based limits; and
        (c) Requirements for BMPs.

2. Any such requirements may be based on:
   (a) OJRSA's determination of CEC numeric criteria based on available toxicity or other data;
   (b) EPA or DHEC standards or criteria; or
   (c) Generally accepted criteria determinations by recognized national scientific entities.

4.13 Quaternary Ammonium Compounds

Quaternary Ammonium Compounds (QAC) are commonly used disinfectants in industry. QAC are cationic surfactants that can impact cell walls and membranes after short periods of time and can remain active for relatively long periods. OJRSA has relatively low hardness water and that will make the QAC more effective and their disinfection potential is increased. QAC are generally very stable and remain effective for a long time. QACs used in an industrial facility can be found in the wastewater leaving the facility and discharged to the sewer system and into the OJRSA's wastewater treatment facility. The QAC that reach the OJRSA POTW can impact the biological organisms that perform the wastewater treatment.

A. OJRSA reserves the right to mandate control of QAC from an Industrial User. OJRSA also reserves the right to ban or require the addition of chemicals that deactivate the QAC.
B. OJRSA must approve the chemicals used to deactivate the QAC.
C. Any facility that causes an upset of the OJRSA's wastewater treatment plant due to the discharge of QACs is subject to the enforcement actions delineated in this Regulation.

4.14 Wastewater from Producers of Alcoholic and Fermented Beverages

The OJRSA has adopted BMPs for producers of Alcoholic Beverages and Fermented Beverages, which are subject to change as necessary. These facilities may be subject to permitting by OJRSA as Industrial Users, and in such case, must meet OJRSA pretreatment requirements. All producers of Alcohol Beverages and Fermented Beverages, whether subject to regulation as an Industrial User or not, shall be subject to the following conditions, at a minimum:

A. The pH of the wastewater from the above listed industries must comply with the criteria listed in Section 4 at all times of discharge. If equalization or pH adjustment is necessary in order to ensure compliance, then the facility will be required to install and maintain that equipment at their expense.
B. Excess solids such as spent yeast, grains, hops, and trub that are capable of settling and restricting or blocking flow in sewer lines is prohibited from discharge to the wastewater conveyance system.
C. Alcoholic and fermented beverage producers must submit an application to the OJRSA prior to facility construction or equipment installation.
D. The facility will be required to submit Best Management Practices (BMPs) to OJRSA prior to the start of discharge to the sewer system.
E. If the facility is required to install pretreatment facilities in order to meet the OJRSA pH limits or solids removal, then they must comply with applicable sections of this Regulation as well as SCDHEC requirements for a construction permit (SC R61-67).
F. Any facility found to be in violation of their BMPs or any section of this Regulation subjects themselves to the enforcement actions set forth in Section 8.

4.15 Excessive Inflow and Infiltration from Systems and Connections Not Owned By OJRSA

A. Publicly- and privately-owned Satellite Sewer Systems and private systems that do not meet the definition of a Satellite Sewer System (collectively referred to in Section 4.15 as a "Satellite System") shall be required to meet criteria for the maximum daily flow that is conveyed to the OJRSA system.
B. Satellite System basins shall not convey flow to the OJRSA system during any rainfall event that does not qualify as a high recurrence interval storm that consists of greater than two thousand (2,000) gallons per

day per mile per inch diameter of conveyance system within the contributing basin in which the Satellite System is being measured. A high recurrence interval storm shall be classified as the following per NOAA Atlas 14 Point Precipitation Frequency Estimates:

1. Five (5) year recurrence interval or greater
2. Any storm duration as identified in the Precipitation Frequency Estimates table, regardless of length in minutes or days
3. Location of most applicable weather station shall be obtained by entering the latitude / longitude or street address of the flowmeter location into the Point Precipitation Frequency Estimate website: PF Map: Contiguous US (noaa.gov)

C. Should there be more than one (1) Satellite System connection point to the OJRSA, the maximum daily flow criteria shall be evaluated at each connection point independently of any other connection points, which may necessitate data collection from the Satellite System's infrastructure.

D. Flow monitoring points shall be established with either a flowmeter installed in an OJRSA manhole or a pump station as near to the connection point as practicable. All effort shall be made to establish a flow monitoring point that minimizes:

1. Any gravity sewers upstream of the flowmeter that are not within the Satellite System's ownership.
2. Any Satellite Sewer Systems gravity sewers that are not upstream of the connection point or any other Satellite System flow monitoring points.

E. The Satellite System shall provide metering data and any required follow up information to OJRSA for review. Upon approval, OJRSA will provide a letter communicating that approval and the effective start date for that analysis.

F. Should there be an abnormal authorized discharge that may affect the compliance with this standard, the Satellite System shall provide written notice to OJRSA as soon as practicable, either prior to the discharge (if it is an anticipated discharge) but in no case more than thirty (30) days after the discharge.

G. Compliance – *For every day, at each connection point, the Satellite Sewer System is in compliance if Measured Daily Flow is less than or equal to Allowable Daily Flow (Measured Daily Flow ≤ Allowable Daily Flow)*.

H. Daily flow calculations, and their compliance with the maximum daily flow criteria, shall be calculated as follows:

1. ADF at each flowmeter location represents an assumed diurnal flow, independent of any I&I influence. (*See SECTION 4.15.1 for an example)*:
   (a) For a flowmeter with at least twelve (12) months of flow data:
      (i) Actual daily flows for the last twelve (12) months will be calculated for each month and averaged to produce an average daily flow (ADF) for each month of data. Data shall be reviewed to exclude any days with missing or questionable data that could skew the calculation. For a month to have valid data to be included in the analysis, at least seventy-five (75%) of the days within the month should have complete data. A minimum of nine (9) months of valid data within the previous twelve (12) month period should be used for the analysis; if there is less than nine (9) months of valid data within the last twelve (12) months, then the evaluation period shall extend to prior to the last twelve (12) month period until there is at least nine (9) months of valid data.
      (ii) The list of nine-to-twelve (9-to-12) months of monthly ADF shall be analyzed and the month with the lowest ADF shall be designated as the ADF to be used in the analysis.
   (b) For a flowmeter with less than twelve (12) months of data, the above calculation shall be performed with as many months of data as possible. Once there is twelve (12) months of data, the calculation shall be performed as detailed above.
   (c) ADF shall be recalculated annually.

(d) For the ADF calculated in the above steps, the amount should be increased by a factor of five percent (5%) (or else by a different factor if documented by the meter manufacturer and approved by OJRSA) to allow for potential inaccuracies inherent in metered flow. The maximum meter accuracy allowance that may be used is ten percent (10%).

2. Allowable I&I Flow shall be calculated by the following equation (referenced in the *EPA Quick Guide for Estimating Inflow and Infiltration*) (*See SECTION 4.15.2 for an example*):

*2,000 gpd * [(Miles of 8-inch diameter pipe * 8) + (Miles of 10-inch diameter pipe * 10) + (Miles of 12-inch diameter pipe *12) … + (Miles of X-inch diameter *X)]*
Where "X" represents each additional diameter pipe in the satellite sewer system

(a) For pipes of undetermined size, they shall be assumed to be eight inches (8-in.) until otherwise verified.

3. For any particular day (*See SECTION 4.15.3 for an example):*

Allowable Daily Flow = [Average Daily Flow (ADF) x (1 + Meter Accuracy Percentage] + Allowable I&I Flow

I. With OJRSA approval, it shall also be acceptable to determine excessive I&I if a third-party consulting SC Licensed Registered Engineer is willing to sign and certify the method used as being a best engineering practice.

4.15.1 Average Daily Flow Calculation Formula and Example

Consider a system where the daily flows are recorded using a flow meter (with an accuracy of plus/minus five percent (±5%)) as shown below:

Month	Number of Days Valid Data	% of Days Valid Data	Average Daily Flow (gpd)
December-2021	**31**	**100%**	**587,597**
November-2021	**30**	**97%**	**556,671**
October-2021	**31**	**100%**	**474,201**
September-2021	**20**	**67%**	**443,275**
August-2021	**24**	**77%**	**505,127**
July-2021	**31**	**100%**	**536,053**
June-2021	**18**	**60%**	**510,282**
May-2021	**27**	**87%**	**515,436**
April-2021	**30**	**100%**	**566,980**
March-2021	**22**	**71%**	**556,671**
February-2021	**26**	**93%**	**824,698**
January-2021	**21**	**68%**	**721,610**
December-2020	15	48%	551,517
November-2020	**26**	**84%**	**530,899**
October-2020	31	100%	489,664
September-2020	28	93%	407,194
August-2020	29	94%	489,664
July-2020	29	94%	463,892

In looking at the last twelve (12) months of data, only eight (8) of the twelve (12) months have valid data for seventy-five percent (75%) or more of the days. Therefore, data for the highlighted months are thrown out, and November 2020 data is used to obtain nine (9) most recent months of valid data.

Of the nine (9) months of valid data, the month with the lowest ADF is selected (October 2021: 474,201 gpd). This amount is then increased by five percent (5%) to account for potential inaccuracy with the meter, resulting in a value of 497,911 gpd. This value is designated as the ADF to be used in the analysis.

4.15.2 Allowable I&I Flow Calculation Formula and Example

This same system has the following size pipes in their system:

Size (inches)	Length of Sewer (Linear Feet)
4	2,200
6	9,800
8	107,000
10	10,500
12	7,200
15	800
18	1,800

Allowable I&I Flow[1] *= 2,000 gpd * [(2,200*4/5,280) + (9,800*6/5,280) + (107,000*8/5,280) + (10,500*10/5,280) + (7,200*12/5,280) + (800*15/5,280) + (1,800*18/5,280)]*
Allowable I&I Flow = 439,167 gpd

4.15.3 Allowable Daily Flow Formula and Example

Allowable Daily Flow = [Average Daily Flow (ADF) x (1 + Meter Accuracy Percentage] + Allowable I&I Flow] + Allowable I&I Flow
*= (474,201 gpd * 1.05) + 439,167 gpd*
= 497,911 gpd + 439,167 gpd
Allowable Daily Flow = 937,078 gpd

Therefore, all daily flows would be measured against this threshold and any individual days (*not average daily flow for the month*) measuring above 937,078 gpd would be out of compliance, unless the system was under the influence of a high recurrence interval storm (one that meets or exceeds a five (5) year storm event as defined by NOAA) or an abnormal authorized discharge as recognized by the OJRSA.

[1] NOTE: Must convert linear footage of pipe into miles by dividing by 5,280 feet per mile.

Section 5 – Revenue System

5.1 Fees and Charges as Regulation

A. The *OJRSA Schedule of Fees* is an enforceable extension of this Regulation.

B. Fees shall be assessed to Users for discharges to the POTW and for executing or enforcing the provisions of these Regulations. These charges shall be developed, set, and adopted by the OJRSA Board of Commissioners and incorporated in the *Schedule of Fees*. The fees are subject to change as needed. Charges may be developed for the following purposes:

1. Industrial monitoring, inspections, and surveillance procedures;
2. Reviewing accidental discharge procedures and construction;
3. Reviewing permit applications and plans;
4. Reviewing appeals;
5. Special industrial discharges;
6. Recovering capital related expenditures or retiring bonded indebtedness;
7. Other charges, including User charges based on billable flow and excessive pollutant discharges to the POTW, necessary to recover the operation and maintenance costs of the wastewater disposal system. The parameters subject to surcharge by OJRSA are BOD or COD, TSS, Total Phosphorus, Ammonia Nitrogen and Total Kjeldahl Nitrogen; however, others may be added based on changes to NPDES Permits and/or OJRSA Board of Commissioners;
8. Availability, impact, and connection fees or similar fees to recover, or to provide for, capital costs expended for the system and/or its expansion;
9. Excess loading on the wastewater treatment plant from concentrated wastewater being discharged to the sewer;
10. Construction and Compliance Inspections; and
11. Others deemed necessary by the OJRSA Board of Commissioners.

5.2 Determination and Schedule of Fees and Charges

Reference current version of *OJRSA Schedule of Fees*.

Section 6 – Discharge Permits and Reporting

6.1 Industrial User Discharge Permits

A. Application Requirements – Any person desiring to discharge industrial wastewater shall complete an official application and file it with the OJRSA together with permit approval from any city having jurisdiction. Approval shall be evidenced by written notice from the Director. The person shall provide all data required by the current official application, copies of which shall be obtained from the Director (or his/her designee). The Director shall evaluate the data and may require additional information. After evaluation and acceptance of the data provided, the Director may grant permission to discharge subject to the terms and conditions provided herein. The Director may issue a Discharge Permit with specific limitations different from those listed in these Regulations if it is determined that the discharge will otherwise comply with the remaining provisions in these Regulations. All Significant Industrial Users (SIU) (and CIUs) shall obtain a Discharge Permit to discharge to the POTW. Authorized Representative(s) of SIU shall sign the permit application. SIUs which through changes in the use of the premises or water usage cause a significant change in wastewater volume, strength, or characteristic shall submit a new application prior to making the change or alteration.

B. Industries that have Federal Categorical processes onsite that have wastewater but the wastewater is not discharged to the sewer are required to submit an application and will be placed under a zero discharge categorical permit.

C. Applicable persons and Users shall complete and submit an application, accompanied by any application fee required as stated in the *OJRSA Schedule of Fees*, including all of the following information:
    1. Name, address, and location (if different from the address) of the facility, name of the operator and Owner;
    2. Applicable SIC number(s), applicable NAICS number(s), and a list of any environmental permits held by or for the facility;
    3. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in these Regulations;
    4. Time and duration of discharge;
    5. Average daily wastewater discharge rates, including daily, monthly, and seasonal variations, if any;
    6. Description of activities, facilities, and plant processes on the premises unless subject to the confidentiality provisions of Section 6.12;
    7. Where known, the nature and concentration of any pollutants in the wastewater which are limited by any local limitations or National Categorical Pretreatment Standards (NCPS), a Statement regarding whether or not the person is complying or will comply with NCPS on a consistent basis, and if not, whether additional pretreatment or operational modifications are required to comply with applicable limitations or NCPS, or Local Limitations;
    8. If additional pretreatment or operational modifications will be required to comply with limitations or NCPS or Local Limitations, the shortest schedule by which the person will comply;
    9. Where required to develop pretreatment standards, a brief description of each product produced by type, amount, process or processes, and a rate of production;
    10. Where required to develop pretreatment standards, type and amount of raw materials processed (average and maximum per day);
    11. Hours of operation of plant, and proposed or actual hours of operation of pretreatment facilities;
    12. Any other information as may be deemed by the Director (or his/her designee) to be necessary to evaluate the permit application; and

13. Application Signatories and Certification – All wastewater discharge permit applications and Industrial User reports must contain the following Certification Statement and be signed by an Authorized Representative of the Industrial User:

    I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

D. The Director or his/her designee shall review the application, may conduct an on-site inspection of the plant and any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the Permit. If the tentative determination is to issue the Permit, the Director (or his/her designee) shall draft the permit in accordance with the Regulation and State regulations. The draft industrial wastewater discharge permit will be submitted to SCDHEC for review and approval. The User shall have thirty (30) calendar days from the receipt of the draft permit to review and comment on the draft Permit. The Director shall issue the final Permit at the end of the comment period.

E. Permit Modifications – Within nine (9) months of the promulgation of a NCPS, or adoption of a Local Limitation, the Permit of Users subject to such standards shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a User, subject to a NCPS or Local Limitation, has not previously submitted an application for a permit, the User shall apply for a Permit within one-hundred eighty (180) calendar days after the promulgation of the NCPS. In addition, the User with an existing Permit shall submit to the OJRSA, within one-hundred eighty (180) calendar days after the promulgation of an applicable standard, information regarding the nature and concentration of the regulated pollutant and a schedule for providing additional pretreatment, if necessary.

F. Other modifications of Permits shall be subject to the same procedural requirements as the issuance of permits except the following changes may be made upon thirty (30) calendar days' notice:
    1. Modifications of the monitoring program contained in the permit;
    2. Changes in the ownership of the discharge when no other change in the permit is indicated;
    3. A single modification of any Compliance Schedule not in excess of four (4) months,
    4. Modification of Compliance Schedules in permits for New Sources where the New Source will not discharge until process or pretreatment facilities are operational; or
    5. Modifications incorporating new or revised Federal, State, or local Pretreatment Standards or regulations, or other modifications determined necessary by the Regulatory Services Coordinator or Director under the Regulations.

G. Permit Conditions – The Director shall have the authority to grant a permit with such conditions attached as he/she believes necessary to achieve the purpose of these Regulations, State regulations, and Federal regulations. Such conditions shall include but are not limited to the following:
    1. A Statement of Duration (in no case more than five (5) years) indicating the permit issuance date, expiration date, and effective date;
    2. A Statement of non-transferability;
    3. Applicable effluent limits which may include daily maximum and monthly average limits, including Best Management Practices (BMPs), based on NCPS or Local Limitations;
    4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMPs) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

5. The process for seeking a waiver from monitoring for a pollutant neither present, nor expected to be present, in accordance with SECTION 6.4;
6. Requirements to control slug discharges (if determined by the OJRSA to be necessary) and Notification requirements for slug discharges as defined by SC R61-9 Part 403.5(b);
7. A Statement of applicable civil and criminal penalties for violation of Pretreatment Standards, requirements and Permit conditions;
8. Any grant of the monitoring waiver by the OJRSA in accordance with SECTION 6.4 of this Regulation; or
9. A Compliance Schedule that outlines dates and actions for obtaining compliance with final limitations or other pretreatment requirements.

H. Permit Duration – Discharge Permits may be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of one-hundred eighty (180) calendar days prior to the expiration of the Permit.

I. Permit Transfer – Discharge Permits are issued to a specific User for a specific operation. A Permit shall not be reassigned, transferred or sold to a new Owner, new User, different premises/parcel, or a new or changed operation. In such event a new application shall be submitted with full information. The review of this application will be expedited if the new Owner or operator certifies:
   1. That there is no immediate intent to change the facility's operation and process;
   2. The date the new Owner or operator shall take over; and
   3. Acknowledgement is made that the new Owner or operator has full responsibility for complying with the existing wastewater discharge permit.

J. When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater within thirty calendar (30) days of the request, unless otherwise agreed to in writing.

6.2 BASELINE REPORTING REQUIREMENTS FOR PERMITTEE

A. Within one-hundred eighty (180) calendar days after the effective date of a National Categorical Pretreatment Standard (NCPS), or one-hundred eighty (180) calendar days after the final administrative decision made upon a category determination submission under SC R61-9 403.6, whichever is later, existing SIUs subject to such NCPS shall be required to submit to the OJRSA a report which contains the information required in SC R61-9 403.12 and applicable Federal regulations. At least ninety (90) calendar days prior to commencement of discharge, New Sources and sources that become SIUs, subsequent to the promulgation of an applicable NCPS, shall be required to submit to the Regulatory Services Coordinator or Director a report which contains the information required in SC R61-9.

B. The Director shall require appropriate reporting from those SIUs not subject to NCPS. Reports required by SC R61-9 403.12 and these Regulations shall be signed by an Authorized Representative of the SIU.

C. Users described within this Section shall submit the information set forth below:
   1. All information required in SECTION 6.1 of this Regulation.
   2. Measurement of Pollutants
      (a) The User shall provide the information required in OJRSA SUR 6.1(C).
      (b) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this Paragraph.
      (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in SC R61-9 403.6(f) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in

accordance with SC R61-9 403.6(f) this adjusted limit along with supporting data shall be submitted to the OJRSA.

(d) Sampling and analysis shall be performed in accordance with SECTION 7.3.

(e) The OJRSA may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(f) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

3. Compliance Certification – A statement, reviewed by the User's Authorized Representative as defined in SECTION 2.3 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and pretreatment requirements.
4. Compliance Schedule – If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this Section must meet the requirements set out in SECTION 6.5 of these Regulations.
5. Signature and Report Certification – All baseline monitoring reports must be certified in accordance with SECTION 6.11 of these Regulations and signed by an Authorized Representative as defined in SECTION 2.3.

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and pretreatment requirements shall submit to the OJRSA a report containing the information described in SECTION 6.1 of this Regulation. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in SECTION 4.3, this Regulation shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with SECTION 6.1. All sampling will be done in conformance with SECTION 7.3.

6.4 PERIODIC COMPLIANCE REPORTS

A. All Users shall notify the Regulatory Services Coordinator immediately of discharges that could cause problems, including any slug discharges.

B. Discharge Monitoring Reports (DMRs) – Sampling and analysis must be performed by the User and submitted on the User discharge monitoring report (DMR) form. The DMR must include the following information to be considered complete:

1. DMR form completed correctly and submitted to OJRSA with a wet signature or are in compliance with 40 CFR Part 3 Cross Media Electronic Reporting (e.g., CROMERR) (*NOTE: The only exception is if the EPA and SCDHEC have approved other methods for DMR submittal and the OJRSA has approved the acceptance of such DMRs*).

(a) If no monitoring was required for a previous month, then the blank DMR form must be signed and submitted with the words "No monitoring required".

(b) If a facility does not discharge wastewater to the sewer during a calendar month, then the signed DMR form must be submitted with the words "No Discharge" written across the form.

2. Submittal of the DMR – The completed DMR is due to the OJRSA by the twelfth (12th) calendar day of each month. The recognized date of acceptance is:
   (a) The paper form can be dropped off at OJRSA by the twelfth (12th).
   (b) The DMR can be mailed to OJRSA but the postmark date must be the twelfth (12th) of the month. Should the twelfth (12th) of the month fall on a weekend or holiday observed by the US Postal Service, then the following day the US Postal Service is operating becomes the submittal date based on the postmark. *If the DMR was mailed by the twelfth (12th) but not received by the OJRSA by the twenty-fourth (24th) day of the month, then it shall be considered late. It is the responsibility of the User to ensure it is received by the OJRSA in accordance with these Regulations.*
3. DMR Components
   (a) Full lab reports from a Qualified Laboratory for the wastewater monitoring that was conducted for the previous month.
   (b) Flow reporting form with flows shown for every day of the calendar month. If there was no flow for a day, then a zero (0) must be entered for that day.
   (c) Daily pH reporting log.
   (d) Copies of any violation reporting forms that were submitted for the monitoring for the reporting month.
   (e) An explanation for any violations (if necessary).
   (f) Additional information as set forth in the User's permit as part of a completed DMR.
4. DMRs that do not contain all the information designated above and DMRs that are not filled out completely will be considered incomplete and subjects the User to the enforcement actions set forth in SECTION 8 of this Regulation. DMRs are considered incomplete if the:
   (a) Data is not reported correctly,
   (b) DMR does not have a wet signature and a date (unless using an EPA approved method as stated in 6.4(B)(1)),
   (c) Flow sheet does not have all flows reported for each day,
   (d) Reporting period is not shown on the DMR, or
   (e) User failed to submit all required data as stated on the Permit.
   (f) DMRs that are not submitted with all this information by the twelfth (12th) will be considered incomplete and subject to enforcement.
5. **IT IS NOT THE RESPONSIBILITY OF THE OJRSA TO ENSURE THE DMR IS ACCURATE AND COMPLETE**. If the DMR is submitted prior to the due date, the review by OJRSA staff may not occur by that time, so the User must submit completed DMRs and not rely on OJRSA to notify the User that the DMR was not complete before the due date. The User will be notified of the incomplete DMR in the enforcement letter. Repeated failure to submit a completed and accurate DMR by the date as stated in 6.4(B)(2) shall result in escalated enforcement as set forth in this Regulation. Should the User be waiting on laboratory data, then the remaining data must be submitted on the DMR form by the twelfth (12th) and a revised DMR submitted as soon as the missing data is received. *Users that notify OJRSA of the missing data before the date as stated in 6.4(B)(2) and submit this missing information as soon as received will not be subject to enforcement actions.*
6. Reports for "No Discharge" Industrial Users are subject to these conditions and may have specific reports in their Discharge Permit as necessary.

C. If a User subject to these reporting requirements monitors any regulated pollutant at the location(s) designated in the discharge permit more frequently than required by the Regulatory Services Coordinator or the Director, the results of this monitoring shall be included in the report. A Qualified Laboratory must be used for all sampling analysis.

D. Any User subject to a National Categorical Pretreatment Standard (NCPS), after the compliance date of such NCPS, or in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Regulatory Services Coordinator at the frequency required in the Industrial User Permit, unless required more frequently in the NCPS or by the OJRSA, a report indicating the nature and concentration of pollutants in the effluent which are limited by such NCPS. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. At the discretion of the Regulatory Services Coordinator, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted. The OJRSA may impose mass limitations on Users which are using dilution to meet applicable NCPS or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the required periodic reports shall indicate the mass of pollutants regulated by NCPS in the discharge of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the OJRSA, of pollutants contained herein which are limited by the permit or applicable NCPS.

E. The OJRSA may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User [see SC R61-9 403.12I(2)]. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Pretreatment Standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual Discharge Permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual Discharge Permit.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with SECTION 2.3 and include the Certification Statement in SECTION 6.1 (SC R61-9 403.6(b)(2)(ii)).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CPR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's Permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for three (3) years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the User's Permit by the Director, the Industrial User must certify on each report with the Statement in OJRSA SUR 6.1(C)(13), that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements in SECTION 6, or other more frequent monitoring requirements imposed by the Director and notify the Regulatory Services Coordinator.
9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
10. All periodic compliance reports must be signed and certified in accordance with SECTION 6.1 of this Regulation.

11. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
12. All monitoring waivers must be approved by SCDHEC.

6.5 Compliance Schedule Progress Reports

The following conditions shall apply to the Compliance Schedule required by Section 6.1 of this Regulation:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
B. No increment referred to above shall exceed nine (9) months;
C. The User shall submit a progress report to the Director or his/her designee no later than fourteen (14) calendar days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
D. In no event shall more than nine (9) months pass between such progress reports to the OJRSA.

6.6 Reports of Changed Conditions

A. Each User must notify Regulatory Services Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) calendar days before the change.
B. The Regulatory Services Coordinator may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 6.1 of this Regulation.
C. The Regulatory Services Coordinator may issue an individual Discharge Permit or modify an existing Discharge Permit under Section 6.1 of this Regulation in response to changed or anticipated changed conditions.

6.7 Reports of Potential Problems

A. In the case of any discharge, including but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge, or slug load, that might cause potential problems for the POTW, the User shall immediately notify OJRSA of the incident by phone, regardless of the time or day the incident occurs. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
B. Within five (5) calendar days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Regulation.
C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Paragraph 6.7(A). Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users (and CIUs) are required to notify the Regulatory Services Coordinator or Director immediately of any changes at its facility affecting the potential for a slug discharge.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a limit violation, the User must notify OJRSA within twenty-four (24) hours of becoming aware of the violation, regardless of the day of the week. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Regulatory Services Coordinator within thirty (30) calendar days after becoming aware of the violation. Resampling by the Industrial User is not required if the Industrial User performs sampling of the violated parameter at least once a month, or if OJRSA performs sampling at the User between the time when the initial sampling was conducted and the time when the User or OJRSA receives the results of this sampling.

6.9 Notification of Discharge of Hazardous Waste

A. Industrial Users (IU) shall notify the OJRSA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include:
    1. Name of the hazardous waste as set forth in 40 CFR part 261;
    2. The EPA hazardous waste number; and
    3. The type of discharge (continuous, batch, or other).
B. If the IU discharges more than one hundred kilograms (100 kg) of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the IU:
    1. An identification of the hazardous constituents contained in the wastes;
    2. An estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month; and
    3. An estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve (12) months.
C. IUs shall provide the notification no later than one hundred eighty (180) calendar days after the discharge of the listed or characteristic hazardous waste. Notification need be submitted only once for each hazardous waste discharge; however, notifications of changed discharges must be submitted under SC R61-9 403.12(g). The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of SC R61-9 403.12(b), (d)II(e). Users are exempt from the requirements during a calendar month in which they discharge no more than fifteen kilograms (15 kg) of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) aI261.33(e). Discharge of more than fifteen kilograms (15 kg) of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the IU discharges more than such quantities of any hazardous waste do not require additional notification.
D. In the case of any new regulations under RCRA Section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the IU shall notify the OJRSA, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
E. In the case of any notification, the IU shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

6.10 User Records

A. Users subject to the reporting requirements of this Regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required

by this Regulation, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under OJRSA SUR 4.4(D). Records shall include:

1. The date, exact place, method, time of sampling, and the name of the person(s) taking the samples;
2. The dates analyses were performed;
3. Who performed the analyses;
4. The analytical techniques or methods used; and
5. The results of such analyses.

B. Records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or OJRSA, or where the User has been specifically notified of a longer retention period by the Director.

6.11 Certification Statements

Certification of Pollutants Not Present – Users that have an approved monitoring waiver based on Section 6.4 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. The certification statement must include the following:

> **BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE PRETREATMENT STANDARD FOR 40 CFR _____** [specify applicable National Pretreatment Standard part(s)]**, I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF: THERE HAS BEEN NO INCREASE IN THE LEVEL OF _____** [list pollutant(s)] **IN THE WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE FILING OF THE LAST PERIODIC REPORT UNDER SECTION 6.4 OF THIS REGULATION.**

6.12 Confidentiality

INFORMATION AND DATA ON A USER OBTAINED FROM REPORTS, QUESTIONNAIRES, DISCHARGE APPLICATIONS, MONITORING PROGRAMS, AND FROM INSPECTIONS SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH FOIA LAWS OR TO OTHER GOVERNMENTAL AGENCY WITHOUT RESTRICTION UNLESS THE USER SPECIFICALLY REQUESTS AND IS ABLE TO DEMONSTRATE TO THE SATISFACTION OF THE DIRECTOR, THAT THE RELEASE OF SUCH INFORMATION WOULD DIVULGE INFORMATION, PROCESSES, OR METHODS OF PRODUCTION ENTITLED TO PROTECTION AS TRADE SECRETS OF THE USER. WHEN REQUESTED BY THE PERSON FURNISHING THE REPORT, THE PORTIONS OF A REPORT WHICH THE DIRECTOR HAS DETERMINED MIGHT DISCLOSE TRADE SECRETS OR SECRET PROCESSES SHALL NOT BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC. IT SHALL, HOWEVER, BE MADE AVAILABLE UPON WRITTEN REQUEST TO GOVERNMENTAL AGENCIES FOR USES RELATED TO THESE REGULATIONS, THE NPDES PERMIT, OR OTHER USES DETERMINED APPROPRIATE BY THE DIRECTOR. THE INFORMATION SHALL BE AVAILABLE FOR USE BY THE STATE IN JUDICIAL REVIEW OR ENFORCEMENT PROCEEDINGS INVOLVING THE PERSON FURNISHING THE INFORMATION. WASTEWATER CONSTITUENTS AND CHARACTERISTICS SHALL NOT BE RECOGNIZED AS CONFIDENTIAL INFORMATION.

6.13 Pretreatment Local Limits and Allocation Methodology

A. Industrial User Discharge Permit Review

1. After review of the Industrial Discharge Permit Application and Questionnaire form, SIC, and NAICS, the Director and/or SCDHEC may require that the User be issued an Industrial User Discharge Permit. The Discharge Permit itself may apply to either total industrial process discharge or to a combined sanitary/industrial wastestream discharge; however, sanitary/industrial combined wastestreams are discouraged for monitoring purposes. The industrial process discharge may or may not be pretreated.

2. During the review process, unique conditions are established for each industrial category. The final Discharge Permit specifies the exact conditions which are applicable to the specific permittee (User). In the permit process, specific self-monitoring characterization of the wastewater is required for certain industrial categories. Every Discharge Permit has established selected pollutants for self-monitoring purposes, which are established through Categorical Pretreatment Standards or the pollutants that are present and/or are suspected of being present in the wastewater discharge. If the User has been determined to be categorical, effluent parameters will be based upon the EPA's Categorical Pretreatment Standards found in 40 CFR Parts 405 to 471. **THE EFFLUENT LIMITS WILL BE ESTABLISHED TO EITHER CATEGORICAL PRETREATMENT STANDARDS OR LOCAL LIMITS, WHICHEVER IS MORE STRINGENT.** Limitations on all pollutants regulated by the Categorical Pretreatment Standards must be included in the Discharge Permit, even though the User may not discharge all or any of the regulated pollutants.
3. Reporting frequency is at the discretion of the Director. Contributing factors are:
   (a) Categorical Requirements,
   (b) Potential of User's discharge to impact the Sewer System, volume of User's discharge, type and concentrations of pollutants in the wastestream,
   (c) Past compliance history, and
   (d) Reasonable potential to adversely affect the sewer system.
4. Discharge Permit limits will be developed based on the historical data from an industry and the Industrial Discharge Permit Application and Questionnaire. Discharge Permit limits will be based on need and pollutants of concern for the permitted industry.

B. Headworks Loading – The Pretreatment Department performs headworks analysis on OJRSA water reclamation facilities (WRF) as required by the NPDES Permit. The purpose of the headworks analysis is to develop technically based limits for Significant Industrial Users under the Pretreatment Program. The headworks analysis is calculated through a required design loading program utilizing treatment efficiencies, process inhibition levels, and water quality criteria on the receiving stream. The information obtained from the headworks loading aids in the development of Industrial User Discharge Permit limits. Sludge disposal is a specific criteria on the total allowable loading for the WRF and may significantly alter total allowable loading. Total allowable loading is at the discretion of the Director.

Section 7 – Sampling and Monitoring

7.1 Right of Entry and Inspections

A. Whenever it shall be necessary for the purposes of this Regulation and upon presentation of proper credentials and identification, OJRSA personnel or their Authorized Representatives shall be permitted to enter upon any property of Users to determine whether the User is complying with all the requirements of these Regulations and any individual Discharge Permit or Administrative Order issued hereunder. Users shall allow OJRSA personnel ready access to all parts of the premises for the purpose of inspecting and copying records, facility inspection, observation, measurement, sampling, and/or testing. Any User completing and filing an application to discharge wastewater shall thereby grant the OJRSA permission to enter their premises for said purposes. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, OJRSA personnel shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

B. The SIU inspection and sampling plan is as follows:
    1. OJRSA will inspect and sample each SIU at least annually as required by the SC R61-9.403.
    2. Should an industry have submitted an Industrial Discharge Permit Application and Questionnaire, then OJRSA can inspect and sample the facility more often than annually.
    3. If a facility has violations of their Discharge Permit or this Regulation, then OJRSA can inspect and sample the facility more often than annually.
    4. If OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the SIU more often than annually; especially if the causative agent is known and the SIU has this pollutant in their wastewater.
    5. Should OJRSA receive a complaint about an SIU, then OJRSA can inspect and sample the SIU more often than annually.
    6. If the collection system has blockages or issues and the SIU discharges to that collection system section, then OJRSA can inspect and sample the SIU more often than annually.
    7. Should the facility notify the OJRSA of a production change, then OJRSA can inspect and sample the facility more often than annually.
    8. Should the facility propose to install a pretreatment system and have to obtain a DHEC construction permit, then OJRSA can inspect the facility upon completion of the installation of the pretreatment system.
    9. OJRSA will have the authority to inspect and sample an SIU more often than annually in the event of an emergency where the public health or the environment can be impacted.
    10. Should OJRSA need to gather site specific information to administer the pretreatment program, then OJRSA can inspect and sample the SIU more often than annually.

C. The Nonresidential User inspection and sampling plan is as follows:
    1. OJRSA can inspect and sample each User within the first year of the start of discharge.
    2. If the User has violations of this regulation, then OJRSA can inspect and sample the facility due to the violation.
    3. If the collection system has blockages or issues and the User discharges to that collection system section, then OJRSA can inspect and sample the User.
    4. OJRSA is required to apply for an NPDES permit usually every five years, OJRSA may inspect and sample the User as part of their evaluation of their pretreatment program update.
    5. If the facility has a FCD to control the FOG discharge to the sewer, then OJRSA may inspect and sample the User as required by this regulation.

6. IF OJRSA experiences an upset of their WRF, then OJRSA can inspect and sample the use more often if the User has the potential to cause the upset.
7. Should OJRSA receive a complaint about the User, the OJRSA can inspect and sample the User.
8. OJRSA will have the authority to inspect and sample the User in the event of an emergency where the public health or the environment can be impacted.
9. Should OJRSA need to gather site specific information, the OJRSA may sample and inspect the User.

D. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be documented by the employee and the Director should be notified as soon as possible. The Director will discuss the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation.

E. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS**. Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word "confidential" and OJRSA will adhere to the confidentiality provisions set forth in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

7.2 COMPLIANCE DETERMINATION

A. Compliance determinations, with respect to prohibitions and limitations, shall be made on the basis of composite and discrete samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period, or over a different time span, as determined necessary by the OJRSA to meet the needs of specific circumstances.

B. OJRSA personnel or their Authorized Representatives shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. OJRSA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy. Calibration records must be maintained for a minimum of three (3) years and available to OJRSA upon request.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the OJRSA and shall not be replaced. The costs of clearing or removing such access shall be borne by the User.

E. Unreasonable delays in allowing OJRSA personnel access to the User's premises shall be a violation of this Regulation and subject to the enforcement actions set forth in this regulation.

7.3 ANALYSIS OF INDUSTRIAL WASTEWATERS

All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Discharge Permit Application and Questionnaire or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the OJRSA or other parties approved by EPA.

7.4 SAMPLING FREQUENCY

Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations shall be done at such intervals as the OJRSA may designate. As a minimum, the OJRSA shall conduct compliance sampling or may cause such sampling to be conducted on all Significant Industrial Users and Categorical Industrial Users once every calendar year. Sampling performed by the SIU must adhere to the conditions set forth in the Industrial User Discharge Permit as issued by OJRSA.

7.5 Sample Collection

A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
B. Except as indicated in this Paragraph and 7.5(C), the User must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized in writing by OJRSA. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge.
C. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 6.2 and 6.3 of these Regulations [R61-9 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, OJRSA may authorize a lower minimum. For the reports required by Section 6.4 the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and requirements.

7.6 Sampling Structure

A. Any User discharging non-domestic wastewater into the public sewer system for treatment by the OJRSA may be required to construct and maintain a sampling structure at a location approved by the OJRSA. The purpose of this structure is so that a representative sample of the User's discharge to the sewer system may be collected. The sampling structure shall be located so as to be readily accessible to OJRSA personnel and shall be constructed in compliance with OJRSA specifications for these types of structures.
B. The sampling structure may normally be located on the User's premises, but OJRSA may allow the structure to be located in public right-of-way in certain cases when an onsite location would be impractical. Approval for location in a public right-of-way must be obtained by the appropriate governing body.

7.7 pH Effluent Limitations Under Continuous Monitoring

Users shall maintain the pH of wastewater within the range set forth in OJRSA SUR 4.1(B)(4) except excursions from the range are permitted subject to the following limitations:

A. The total time during which the pH values are outside the required range of pH values shall not exceed two (2) hours in any calendar month; and
B. No individual excursion from the range of pH values shall exceed fifteen (15) minutes.

Section 8 – Enforcement

8.1 Enforcement Management Strategy

The Director shall enforce the provisions of this Regulation. Implementation of this regulation shall be completed by the Director or his/her designee. The Board of Commissioners is not involved in its implementation or enforcement.

8.2 Administrative Orders, Remedies, and Penalties

A. Notifications of Violation – Whenever the OJRSA finds that any person has violated or is violating these Regulations, a Permit, or any prohibition, limitation, or requirement contained in these Regulations or Permit, the Director or his/her designee may serve upon such a person an appropriate written notice stating the nature of the violation. An oral notice shall be sufficient in emergency circumstances. The OJRSA may require a response to the Notice of Violation (NOV). When required in the notice and within fifteen (15) calendar days from the date of the notice, an explanation of the violation and a plan for the satisfactory correction thereof shall be submitted to the Director or OJRSA individual as stated in the NOV. Submission of this plan shall not relieve the person of liability for any violations occurring before or after receipt of the notice of violation. The classification of violations under these Regulations and permits are: NOV or a Notice of Significant Noncompliance (NOSNC). Refer to Section 8 of this Regulation.

B. Administrative Orders – Three types of Administrative Orders are set forth for working with a User to come into compliance with the discharge permit.

   1. Consent Order – The Director is empowered to enter into Consent Orders, assuring of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the violation. Such orders may be negotiated in an Informal Conference. Such agreements shall include specific action to be taken by the person to correct the violation within a time period specified by the Consent Order and contain other terms and conditions. A violation of a Consent Order shall constitute a violation or violations under this Regulation.
   2. Compliance Order – When the Director finds that a User has violated, or continues to violate, any provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pretreatment Standard or requirement, the Director may issue a Compliance Order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, nor does a Compliance Order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
   3. Cease and Desist Order – The Cease and Desist Order is used as a remedy when other enforcement actions have failed to bring a User into compliance with their Discharge Permit.
      (a) When the OJRSA finds that a User has violated, or continues to violate, any provision of this Regulation, a Discharge Permit or Administrative Order issued hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Director may issue a Cease and Desist Order to the User directing it to cease and desist all such violations and directing the User to:
         (i) Immediately comply with all requirements; and

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Informal Conference Prior to Hearing Date – OJRSA may schedule an Informal Conference with the User and attempt to negotiate an enforceable Compliance Schedule by way of a Consent Order Agreement. The Consent Order Agreement may contain such other terms and conditions, including but not limited to, provisions for additional monitoring, full or partial cessation of discharge, interim limits, installation of pretreatment, and payment of all administrative costs, expenses, attorney's fees, and civil penalties.

D. Notice to Show Cause at Adjudicatory Hearing

1. The Director may order any User who causes or is responsible for an unauthorized discharge or other violations to show cause at an Adjudicatory Hearing why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken.
2. Service – The notice of the hearing to the User shall be served personally, by registered or certified mail (return receipt requested), or other trackable means to ensure delivery is made to the User at least ten (10) calendar days before the hearing. **SERVICE MAY BE MADE ON ANY AGENT OR OFFICER OF THE USER.**
3. Request by User for an Adjudicatory Hearing or for an Informal Conference Prior to Show Cause Hearing
   (a) Requests for an Adjudicatory Hearing must be served on the OJRSA within fifteen (15) calendar days following mailing of any final administrative action or decision by the OJRSA to the User on any violation, application, permit, certificate, or other licensing matter.
   (b) A request for an Informal Conference prior to the show cause hearing may be made by a User but not to delay the hearing date. If the request is granted, an Informal Conference may be held by the Director or their designee to explore ways and means to obtain compliance by consent without the necessity of a formal Adjudicatory Hearing.
4. Record – At any hearing held pursuant to these Regulations, testimony shall be taken under oath and transcribed by a court reporter. A copy of the transcript shall be made available to any member of a party to the hearing upon payment of the usual charges thereof to the court reporter employed to provide said transcription.
5. Hearing Officer – The Director will appoint a Hearing Officer or officers to preside over the Adjudicatory Hearing. The Hearing Officer shall have no connection with the preparation or presentation of the evidence at the hearing.
6. Procedure – The procedure for an Adjudicatory Hearing and other enforcement procedures are set forth in SECTION 8 of this Regulation.

E. Enforcement Orders – When the Hearing Officer finds that a User has violated or is violating the provisions, prohibitions, or limitations of these Regulations, or those contained in any Discharge Permit or binding agreement issued hereunder, the Officer may issue a Cease and Desist Order, and may direct those persons in violation to perform any or all of the following:

1. Comply forthwith;
2. Comply in accordance with a compliance time schedule set forth in the Administrative Order;
3. Take appropriate remedial or preventative action in the event of a continuing or threatened violation;
4. Prohibit or reduce the discharge;
5. Provide wastewater storage or flow equalization;
6. Make payment by the User to cover added costs of handling and treatment costs and the administrative costs of the enforcement action;

7. Post performance bonds;
8. Act to take other steps to achieve compliance;
9. Pay fines and penalties to OJRSA;
10. Pay reasonable attorney's fees, hearing costs, reporting costs, and other expenses incurred by the OJRSA for the hearing or enforcement procedure.

F. Penalties and Costs –The OJRSA may issue administrative and civil penalties and other fees for violations of this Regulation as described in SECTION 8.6. Prior to the imposition of civil penalties, an adjudicatory hearing will be offered to the User.

G. Emergency Suspensions – **THE DIRECTOR MAY SUSPEND OR REVOKE A USER'S PERMISSION TO DISCHARGE WHEN SUCH ACTION IS NECESSARY IN ORDER 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 THE ENVIRONMENT OR CAUSES INTERFERENCE IN CONVEYANCE SYSTEM OR TREATMENT PLANT OPERATIONS. ANY USER NOTIFIED OF REVOCATION OF PERMISSION TO DISCHARGE SHALL IMMEDIATELY STOP OR ELIMINATE ITS DISCHARGE. EMERGENCY SUSPENSIONS MAY OR MAY NOT BE ASSOCIATED WITH AN ENFORCEMENT ACTION.** Unless associated with an emergency suspension that is not associated with an enforcement action, a hearing shall be held within fifteen (15) calendar days of the notice of revocation to determine whether the suspension may be lifted or the User's Permit terminated. The User shall submit a detailed written statement describing the causes of the violations and the measures taken to prevent any future violations to the OJRSA prior to the date of the hearing. **IN THE EVENT OF A FAILURE OF THE PERSON TO COMPLY VOLUNTARILY WITH THE ADMINISTRATIVE ORDER, THE DIRECTOR SHALL TAKE SUCH STEPS AS DEEMED NECESSARY INCLUDING IMMEDIATE SEVERANCE OF THE SEWER CONNECTION.** The Director may reinstate the permission to discharge upon proof of the elimination of the violations or the risk for damage to life, health, property, and/or the environment has subsided.

H. Termination or Revocation of Permit – Any User who violates the conditions of these Regulations, or applicable State and Federal regulations, is subject to having their permission to discharge revoked. The Director may revoke any Permit for the following reasons:

1. Failure to factually report the wastewater constituents and characteristics of their discharge;
2. Failure to report significant changes in operations or wastewater constituents and characteristics;
3. Refusal of reasonable access to the User's premises for the purpose of inspection and monitoring;
4. Failure to meet effluent limits at point of connection with public sewer, which includes any sewer system that connects with OJRSA conveyance and/or treatment facilities;
5. Tampering with or deliberately altering monitoring equipment;
6. Falsifying DMRs or other reports;
7. Changes in the POTW's NPDES permit, receiving stream water quality standards, POTW treatment plant process, sludge disposal practices or requirements, or other modifications of a similar nature that impact the OJRSA's ability to accept industrial or other wastewaters;
8. For causes necessitating an emergency suspension;
9. Discharge of wastewater prohibited by these Regulations;
10. Significant Noncompliance with schedules, Pretreatment Standards or requirements, of any terms of the wastewater discharge permit or these Regulations;
11. Non-payment of costs as defined in the Regulations and *OJRSA Schedule of Fees*.

I. A User whose permission to discharge has been revoked may apply for new permission to discharge and shall pay all delinquent fees, charges, penalties, and such other sums as may be due to the OJRSA; however, the OJRSA is under no obligation to allow the User to reconnect.

8.3 JUDICIAL REMEDIES

Notwithstanding the administration procedure provided herein, when any User discharges wastewater into the wastewater disposal system contrary to the law of this State or the provisions of these Regulations, or any order or

Permit issued hereunder, or otherwise violates applicable law or the provisions of these Regulations or any Administrative Order or Discharge Permit issued hereunder, the Director may commence an action for appropriate legal or equitable relief in the Court of Common Pleas. The remedies provided by this Regulation are not exclusive.

8.4 Injunctive Relief

The Director, in the name of the OJRSA, may file in Common Pleas Court, a suit seeking the issuance of an injunction, damages, or other appropriate relief to enforce the provisions of these Regulations or other applicable law or regulation and the determination of a Hearing Officer. Suit may be brought on behalf of the OJRSA, at the same time or separately, to recover any and all damages suffered by the OJRSA as a result of any action or inaction of any User or other person who causes or suffers damage to occur to the POTW or for any other expense, loss, or damage of any kind or nature suffered by the OJRSA. Such damages shall include, but not limited to, claims for damages, takings, losses, expenses, costs, fines, penalties, and attorneys' fees for which the OJRSA may become liable or responsible and which arise out of or result from the User's noncompliance with its Discharge Permit or the User's violation of State or Federal Pollution Control laws, rules, or regulations.

8.5 Criminal Violations

A. Facts or circumstances which tend to indicate a criminal activity by any User may be reported to the proper Local, State, and/or Federal law enforcement agencies for investigation and prosecution. Concurrent with criminal investigations and/or enforcement by the proper law enforcement agencies, the OJRSA has authority to take actions to protect life, health, property, and/or the environment using means detailed in Paragraph 8.2(G) and other sections of this Regulation.
B. Where appropriate, the OJRSA may assess civil penalties and other fees as described in Section 8.6 for such violations, in addition to any criminal or civil penalties applicable under local, state, or federal law.

8.6 Penalties, Fees, and Cost Recovery for Violations

A. The OJRSA may impose penalties and fees for violations to the Regulation as described in this Section.
B. Cost recovery for damages, takings, losses, handling and treatment costs, non-payment of User and/or permit charges, administrative and other expenses, fines issued against the OJRSA, legal and attorneys' fees associated with enforcement action may be taken against the User in violation of Regulations. These costs may include others as listed in the *OJRSA Schedule of Fees* and other OJRSA-approved policies at the time of the violation.
C. Administrative and Civil Penalties:
    1. A User will be subject to administrative and civil penalties up to two thousand dollars ($2,000) per violation per day (in accordance with SC Code of Laws 6-11-285). This penalty amount will be the maximum amount that may be administrated for each violation, per day the violation occurred
    2. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In case of monthly or long-term discharge limits, fines may be assessed for each day during the period of violation. The OJRSA shall have such remedies for the collection of such assessments as it has for collection of other service charges.
D. Payment of Costs -
    1. All enforcement penalties and other fees assessed as a result of administrative orders or criminal violations that are assessed on the User must be payable to OJRSA. Payment must be remitted to OJRSA within thirty (30) calendar days of the issuance of the approved Administrative Order or criminal penalties. Payments not received by the due date are subject to late fees as stated in the *OJRSA Schedule of Fees*.
    2. Payment of costs or fines shall not relieve the User from the requirement to pretreat wastewater or discharges in excess of the limitations required under its permits or the Regulations of the OJRSA.

E. Failure to Pay – See SECTION 8.8.

8.7 PERFORMANCE BONDS

The Director may refuse to reissue a Discharge Permit to any User which has failed to comply with the provisions of these Regulations or any order or previous Permit issued hereunder unless such User first files with it a satisfactory bond, payable to the OJRSA, in a sum not to exceed a value determined by the Director to be necessary to meet the costs of any scheduled improvements and to achieve consistent compliance.

8.8 DISCONTINUANCE OF SEWER SERVICE FOR NON-PAYMENT

The Director shall have the right to discontinue sewer service to the property of a User of such service in the event of non-payment of sewer charges; provided that no discontinuation shall be made until the User shall have been given notice of their right to be heard in person or by counsel on the question of discontinuation before the OJRSA or any person designated by the OJRSA after not less than five (5) calendar days written notice specifying the basis of discontinuation. The OJRSA or its agents shall have the right of entry in and upon the premises and the right of ingress and egress to determine the location of the service line, or to dig it up, or to uncover it for the purpose of disconnecting the service line from the property, or sealing, or plugging such line or any collection line, upon the notice as provided under the OJRSA Regulations.

8.9 TENANT RESPONSIBILITY

A. In matters where the property was used without a formal or informal arrangement, the Owner of the property shall be held responsible. *The burden of proof for providing a binding version of a formal or informal agreement shall be on the Owner prior to the OJRSA taking action against the tenant or User.* Without such evidence, the OJRSA may hold the Owner responsible for compliance with the Regulations and recovery of OJRSA costs.
B. Where a User of property rents, leases, or otherwise provides use to another without charge or formal arrangement of the premises to a subsidiary, affiliate, or other entity in which the User has a direct or indirect interest, the tenant or User or both may be held responsible for compliance with the provisions of these Regulations and recovery of OJRSA costs.

8.10 VANDALISM

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance, or equipment, or other part of the POTW. Any person found in violation of this requirement or State or Federal laws and regulations governing wastewater critical infrastructure shall be subject to the sanctions established in SECTION 8 of this Regulation, which could include referral to the law enforcement agency with jurisdiction for potential criminal investigation.

8.11 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The OJRSA shall publish annually, in a newspaper of general circulation (and/or other method(s) approved by EPA and/or SCDHEC) that provides meaningful public notice within the jurisdictions served by OJRSA, a list of the Industrial Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pretreatment Standards and requirements. This publication will be done during the first quarter of each year for the previous calendar year.

8.12 ENFORCEMENT MANAGEMENT STRATEGY

A. Methodology and Ranges of Enforcement Response – The OJRSA Pretreatment Department will consider the following criteria when determining a proper response to the violation and the context of the User's prior violations:

1. Magnitude of the Violation
   (a) Unless a violation is Significant Noncompliance (SNC) as defined in the *OJRSA Sewer Use Regulation*, then the OJRSA Pretreatment Department will usually start with the minimum enforcement action; however, for severe violations that threaten the public health, environment, damage public and/or private property, penalties can be more stringent.
   (b) Once a violation triggers SNC, the Pretreatment Department shall issue an Administrative Order. This order may include a Compliance Schedule requiring the User to comply with regulations by a specific date. The magnitude or severity of the violation is determined by whether the violation meets the definition of SNC. The significance of the violation will influence the type of enforcement action taken by the Pretreatment Department based on this evaluation.
2. Duration of the Violation
   (a) Prolonged periods of violation should subject the User to escalating enforcement actions.
   (b) Enforcement escalation does not depend on the severity of the violation.
   (c) Violations which result in SNC will be treated more severely due to the guidelines set forth by the State and the Federal government regulations.
   (d) Extended periods of noncompliance shall not be tolerated and enforcement actions will be taken to prevent this from occurring.
   (e) Chronic noncompliance will be addressed with escalating enforcement actions up to and including termination of sewer service to stop the noncompliance.
   (f) Prolonged violations that result in harm to the POTW will be addressed by enforcement actions, which include recovery of the costs to repair any damage.
3. Effect of the Violation on the Receiving Water
   (a) Prevention of pass-through of pollutants to the water body is a major component of the development of acceptable limits for the User.
   (b) Each water body has established limits for pollutants to protect the organisms that live in the receiving waters. Pollutants that do not degrade or breakdown in the POTW will exit the POTW and potentially cause environmental harm.
   (c) The minimum enforcement action for a violation impacting receiving waters will include an Administrative Order, which is to include a penalty. The penalty will also include any penalties or fines paid by the POTW to a regulatory or response agency (e.g., SCDHEC, EPA, SCDNR, Oconee County Emergency Management, etc.) and may include damages for the destruction of natural resources, manmade structures, and/or the POTW. Termination of sewer service may be an option if noncompliance continues uncorrected.
4. Effect of the Violation on the POTW
   (a) Any User who has a violation that adversely impacts the POTW in any way will be assessed charges for correcting the impact.
   (b) Adverse impacts include, but are not limited to, the following:
      (i) Significant increases in treatment costs;
      (ii) Interference with POTW treatment processes;
      (iii) Harm to the general public or POTW personnel;
      (iv) Equipment damage;
      (v) Negative operational changes;
      (vi) Damage to the conveyance system piping through pipe corrosion or blockage;
      (vii) Explosion in conveyance system or POTW; and/or
      (viii) Sludge contamination resulting in increased disposal cost.
   (c) Any labor costs or repair costs will be passed onto the User that caused the adverse impact to occur in accordance with SECTION 8.6.
   (d) Minimum enforcement actions will include an Administrative Order with associated penalties including cost recovery for adverse impacts in accordance with SECTION 8.6.

5. Compliance History of the User
   (a) The compliance history of a User will be evaluated when assessing the severity of the violation.
   (b) A User who has a pattern of recurring violations (which may be the same or different parameters or regulatory requirements) can be an indication that the User does not take wastewater issues or environmental protection regulations seriously or their system is inadequately designed for the specific wastewater conditions.
   (c) A User that has recurring violations has an increased likelihood of causing future significant violations.
   (d) A User who has recurring violations may be dealt with more severely to ensure that compliance is achieved.
   (e) A recurring violation history will result in more advanced enforcement actions being assessed against a User, up to and including termination of service.
6. Good Faith of the User in Reporting, and Responding to, the Violation
   (a) A User who takes measures to correct the violation and take care of any issues as quickly as possible will have shown good faith efforts.
   (b) Good faith is demonstrated by cooperation and completion of corrective measures in a timely manner.
   (c) This effort will be considered when deciding what enforcement actions will be taken; however, *good faith does not eliminate the need to take an enforcement action*.
   (d) Good faith is not defined as compliance with previous enforcement actions.
   (e) Recovery of costs from an upset will take place regardless of good faith actions that may have been taken.

B. Timeframes for Responses – The Pretreatment Department will respond to violations in accordance with the following; however, the OJRSA reserves the right to make exceptions to these timeframes.
   1. All violations shall normally be identified and documented within thirty (30) calendar days of receiving compliance information.
   2. Initial enforcement responses involving contact with the User and requesting information on corrective or preventative action(s) will occur within thirty (30) calendar days of violation detection.
   3. Follow up actions for continuing or reoccurring violations will be taken within sixty (60) calendar days of the initial enforcement response. For all continuing violations, the response will include a Compliance Schedule.
   4. Violations which threaten or affect health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.
   5. All violations meeting the criteria for SNC shall normally be addressed with an enforceable Administrative Order within thirty (30) to sixty (60) calendar days of the identification of SNC event.

C. Industrial User Response to Noncompliance
   1. Any instance of noncompliance must be verbally reported within twenty-four (24) hours of becoming aware of the violation to the OJRSA. An OJRSA 24-Hour Notification Form must also be submitted to report the violation. This form must be submitted to the Regulatory Services Coordinator or Pretreatment Coordinator within twenty-four (24) hours of the violation occurring, regardless of the day on which it occurs (including weekends and holidays).
   2. The notification shall be followed by a written report, when required by the Regulatory Services or Pretreatment Coordinator, within five (5) business days. The report of noncompliance shall include:
      (a) A description of the characteristics of the noncompliance;
      (b) Sampling results;
      (c) A statement of the cause of noncompliance; and

(d) An account of the time and duration of the violation including dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and activities being taken to reduce, eliminate, and prevent recurrence of the violation.

3. For noncompliance of permit limitations, repeat sampling for the parameters violated and submit the repeat results to the OJRSA Pretreatment Department within thirty (30) calendar days.
4. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, persons or property, or environmental harm; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Regulation or other applicable laws.

D. Assignment of Responsibilities

1. The Regulatory Services Coordinator or Pretreatment Coordinator for the OJRSA is designated by the Director to implement the Pretreatment Program and to enforce compliance with all Permits and regulations. It is the responsibility of the Regulatory Services Coordinator or person designated by the Regulatory Services Coordinator (hereafter collectively referred to as "Coordinator" in this Section) to coordinate the collection of evidence for use in enforcement actions, possible civil litigation, or criminal investigations. The Coordinator may employ the services of any OJRSA employee or consultant in the collection of evidence. Due to the nature of the situation, it is conceivable that an illegal activity could be observed, sampled, or documented by any OJRSA employee, either through purposeful investigation or in the normal course of duties performed.
2. In the case of spills, slugs, bypasses, or other discharges of a short or non-continuous nature, whichever OJRSA employee or consultant is in position to do so may be used to collect evidence of the violation. The Coordinator may employ the services of outside laboratories or consultants in the collection of evidence. OJRSA personnel, outside laboratories, or consultants may be called upon to collect wastewater samples for analysis, perform laboratory analyses, prepare visual evidence, compile and copy records, provide statements, or in any way assist the Coordinator and the OJRSA's attorney(s) in preparing and executing enforcement actions.

E. Enforcement Response Guide

1. The Enforcement Response Guide (ERG) is a matrix that establishes consideration for action based on the whether the noncompliance involves:
   (a) Sampling, Monitoring, and Reporting (SECTION 8.12.1);
   (b) Compliance Schedules (Construction Phases or Planning) (8.12.2);
   (c) Effluent Limits (8.12.3);
   (d) Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations (8.12.4);
   (e) Excessive Inflow and Infiltration from Satellite Sewer Systems and Others 8.12.5;
   (f) Fats, Oils, and Grease (FOG) (not associated with Industrial Discharge Permit) (8.12.6); and/or
   (g) Other Regulatory Violations (8.12.8).
2. The matrices for each are listed in the tables within this Section and suggest a range of appropriate enforcement responses to various types of noncompliance and appropriate OJRSA personnel to implement those responses. **THE SUGGESTED RESPONSES AND PERSONNEL ARE GUIDELINES AND DO NOT LIMIT THE OJRSA IN ITS RESPONSE TO ANY GIVEN INSTANCE OF NONCOMPLIANCE.**
3. The Director may delegate his/her role and authority in any enforcement action as deemed appropriate. (SECTION 8.1)
4. This ERG has been prepared to allow OJRSA to comply with State and Federal regulations, its NPDES Permit, and other locally established regulations.
5. The terms and types of enforcement actions used in the ERG are defined in the Regulation.
6. The OJRSA Pretreatment Department may use initial enforcement actions such as an Informal Conference or Notice of Violation when the violation does not meet the criteria of Significant Noncompliance (SNC) or when the User is cooperative in quickly resolving the problems.

7. Any User, regardless of whether or not they are in SNC which fails to promptly correct any problems will incur more severe enforcement actions, up to and including termination of sewer service.
8. Enforcement actions will escalate when a User fails to return to compliance following the initial enforcement actions or recurring noncompliance is noted. The OJRSA may issue a Compliance Schedule for which the User is to follow.
9. The enforcement actions chosen for a particular violation or group of violations will be appropriate and representative of the magnitude and nature of the violation. *Enforcement actions for ongoing violations shall be progressive and more severe as the violations continue.* When violations are initially found, an enforcement action will be taken at that time. At the end of each calendar quarter, each user will be evaluated for SNC. If a user is found to be in SNC for the violation(s), then additional enforcement actions will be taken as delineated in this ERG. The enforcement actions taken will be adequate to promote a timely solution to the violations.
10. Enforcement actions taken against each User shall be considered individually and are not necessarily based on penalties, actions, and/or fines issued to other Users who were in violation.

8.12.1 Sampling, Monitoring, and Reporting Violations ERG

Violation	Circumstances	Range of Response	Personnel
Failure to sample, monitor, report, and/or notify	Isolated or infrequent failure to monitor, sample, or report all parameters in permit.	NOV with response required within ten (10) business days.	RSC, PC
	Industrial User does not respond to NOV and/or AO.	AO; civil action and penalties (SECTION 8.6); Adjudicatory Hearing including penalty (SECTION 8.6).	RSC, PC, Dir
	Recurring violations or SNC.	NOSNC; AO; Adjudicatory Hearing including penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action; terminate water and/or sewer.	RSC, PC, Dir
	No response received.	Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	Dir
	Report is improperly signed or certified, or is otherwise incomplete, first offense.	NOV.	RSC, PC
	Report is improperly signed or certified, or is otherwise incomplete, after notice by POTW.	AO; Adjudicatory Hearing; civil action and penalties (SECTION 8.6).	RSC, PC
	Isolated not significant violation; Report less than forty-five (45) calendar days late.	NOV.	RSC, PC
	Significant - Report forty-five (45) calendar days or more late - SNC.	NOSNC; AO to submit with penalty per additional day; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC
	Reports are always late or no report at all.	AO and/or penalty; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir

	Failure to report slug, spill, or changed discharge - No harm to POTW and/or environment.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to report slug, spill, or changed discharge - Results in harm to POTW and/or environment - SNC.	NOSNC; AO and/or penalty, cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
	Repeated failure to report slugs, spills, or changed discharge.	NOV; AO; civil action / cost recovery; Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
Improper sampling	Unintentional sampling at incorrect location.	NOV.	RSC, PC
	Unintentional use of incorrect sample collection techniques.	NOV.	RSC, PC
	Unintentional use of incorrect sample type.	NOV.	RSC, PC
Failure to notify of effluent limit violation, slug discharge, or bypass	Isolated or infrequent - No known effects.	NOV - Response required within ten (10) business days; AO.	RSC, PC
	No response received.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6); civil action.	RSC, PC
	Frequent or continued violation.	NOV; AO; Adjudicatory Hearing and/or penalty (SECTION 8.6); cost recovery (SECTION 8.6).	RSC, PC, Dir
	Known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; sewer ban; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent.	NOV; request corrected form.	RSC, PC
	Recurring deficiencies.	AO and/or penalty (SECTION 8.6).	RSC, PC, Dir
Major or gross sampling, monitoring, or reporting deficiencies (missing information)	Isolated or infrequent.	NOV and/or AO; request corrected form.	RSC, PC
	Continued violations- Remains uncorrected forty-five (45) calendar days or more - SNC.	NOSNC; AO; Adjudicatory Hearing; penalty.	RSC, PC, Dir
	Failure to monitor all pollutants as required by permit.	NOV and/or AO.	RSC, PC
	Recurring failure to monitor, recurring missing information.	NOV; AO and/or penalty (SECTION 8.6); criminal investigation.	RSC, PC, Dir

	Improper sampling, no evidence of intent.	NOV; AO.	RSC, PC
	Improper sampling - Evidence of negligence or intent.	AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, Dir
Reporting false information	Reporting false information - Any instance - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	Dir

8.12.2 Compliance Schedules ERG (Construction Phases or Planning)

Violation	Circumstances	Range of Response	Personnel
Missed interim date	Will not cause late final date or other interim dates (less than ninety (90) calendar days).	NOV.	RSC, PC
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, good cause for delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
	Missed milestone by ninety (90) calendar days or less, negatively affects final date, no good cause or delay.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC PC, Dir
	Missed milestone by more than ninety (90) calendar days whether or not affects final date, good cause for delay - SNC.	NOSNC; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action.	RSC, PC, Dir
	Missed milestone by more than forty-five (45) calendar days, will result in other missed interim dates or missed final date (no good or valid cause - SNC).	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation or violation of schedule in AO.	NOV; AO; cost recovery and civil action and penalties (SECTION 8.6); judicial action; request criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Missed final date	Violation due to force majeure	Require documentation of good or valid cause; Adjudicatory Hearing.	RSC, PC, Dir
	Ninety (90) calendar days or more outstanding - Failure or refusal to comply - Without good or valid cause - SNC.	AO; Adjudicatory Hearing; cost recovery and civil action and penalties (SECTION 8.6).	RSC, PC, Dir
Failure to install monitoring equipment	Delay of less than forty-five (45) calendar days.	NOV; AO.	RSC, PC

	Delay of forty-five (45) calendar days or more - SNC.	NOSNC; AO to begin monitoring (using outside contracts, if necessary) and install equipment within minimal time. Cost recovery and civil penalties for each additional day (SECTION 8.6). Temporary sewer ban.	RSC, PC, Dir
	Recurring failure to install monitoring equipment or violation of AO.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	Dir

8.12.3 Effluent Limit Violations ERG

Violation	Circumstances	Range of Response	Personnel
Exceeding final limits or permit limits (categorical, local, or prohibited)	Infrequent or isolated - Not significant; no damage to POTW and/or environment.	NOV.	RSC, PC
	Infrequent or isolated major violations; no damage to POTW and/or environment.	NOV; AO.	RSC, PC
	Infrequent or isolated major violations; damage to POTW and/or environment - SNC.	NOSNC; AO cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing.	RSC, PC, Dir
	Violations that are recurring and/or SNC (meet chronic definition); no damage to POTW and/or environment.	If violation has already been corrected - NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC
	Recurring violations that are SNC; harm to POTW and/or environment.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Exceeding interim limits (categorical or local)	Without known damages.	NOV and/or AO; cost recovery (SECTION 8.6).	RSC, PC
	Results in known environmental or POTW damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Reported slug load / accidental discharge	Isolated without known damage.	AO to develop slug plan; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Isolated with known interference, pass-through, or damage - SNC.	NOSNC; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Recurring - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir

Discharge of untreated wastewater - spill, bypass, or improper operation of pretreatment facility	Isolated; no harm to POTW and/or environment.	NOV.	RSC, PC
	Isolated with harm to POTW and/or environment - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; no harm to POTW and/or environment.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation.	RSC, PC, Dir
	Recurring; harm to POTW and/or environment - SNC.	AO to correct problems; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Discharge without a permit or approval	One time without known environmental or POTW damage; User unaware of requirement.	NOV; include application for permit and timeframe for submission of the completed application.	RSC, PC
	Continuing violation without known environmental or POTW damage; User fails to apply for permit after notice - SNC.	AO; Adjudicatory Hearing including penalty; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	One time that results in environmental and/or POTW damage; User unaware of requirement - SNC.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Continuing violation with known environmental or POTW damage - SNC.	Adjudicatory Hearing, cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, Dir
	First (1st) offense - User aware of requirement.	AO to include application for discharge; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Failure to submit required documentation for permitting or renewal.	AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Nonpermitted discharge (failure to renew permit)	Industrial User has not submitted questionnaire within ten (10) calendar days of due date.	NOV - Response required within ten (10) business days.	RSC, PC

8.12.4 Noncompliance Detected Through Inspections, Site Visits, Review of Records, or Field Investigations ERG

Violation	Circumstances	Range of Response	Personnel
Violation of analytical procedures	Minor noncompliance with approved analytical procedure, Any instance - No evidence of intent.	NOV and/or AO.	RSC, PC
	Major noncompliance with approved analytical procedure, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major noncompliance with approved analytical procedure, Evidence of negligence or intent - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Violation of Discharge Permit condition	No evidence of negligence or intent.	NOV - Immediate correction required.	RSC, PC
	Evidence of negligence or intent - SNC.	Adjudicatory Hearing; criminal investigation; sewer ban.	RSC, PC, Dir
Entry denial or consent withdrawn; copies of records denied; permission to photograph, videotape or electronically record image denied	Entry denied or consent withdrawn; Copies of records denied; electronic recordings denied.	Return to User (obtain a warrant if necessary); NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Illegal discharge	No harm to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); criminal investigation.	RSC, PC, Dir
	Discharge causes harm to POTW and/or environment and/or evidence of intent / negligence - SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir

8.12.5 Excessive Inflow and Infiltration from Satellite Sewer Systems and Other Users ERG

Violation	Circumstances	Range of Response	Personnel
Excessive inflow and infiltration from systems and connections not owned by OJRSA (for each location identified by OJRSA through means	Initial violation.	NOV.	Eng, Dir, Atty
	Second (2nd) violation.	AO; Adjudicatory Hearing.	Eng, Dir, Atty
	Third (3rd) violation.	AO; Adjudicatory Hearing; civil action; requirement for CMOM for entire Satellite Sewer System or	Eng, Dir, Atty

and methods detailed in SECTION 4.15)		privately-owned User's sewer system.	
	Fourth (4th) and subsequent violations.	AO; Adjudicatory Hearing; civil penalties (SECTION 8.6).	Eng, Dir, Atty

8.12.6 Fats, Oils, and Grease (FOG) Violations (Not Associated with an Industrial Discharge Permit) ERG

Violation	Circumstances	Range of Response	Personnel
Failure to install FOG Control Device (FCD)	First (1st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2nd) violation.	NOV; penalty up to two-hundred dollars ($200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3rd) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4th) violation.	Terminate water and/or sewer.	RSC, PC, Dir
	No response to notifications.	Terminate water and/or sewer.	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; cost recovery (SECTION 8.6).	RSC, PC, Dir, Atty
FCD not maintained as required	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars ($100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars ($200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir

	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Failure to address FCD maintenance issues within timeframes set forth by OJRSA.	Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Structure failure of FCD	First (1st) violation.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Second (2nd) violation.	NOV; penalty up to one-hundred dollars ($200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Third (3rd) violation.	SNC; AO to repair structural failures or install new FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Fourth (4th) violation.	Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Failure to address FCD structure failure within timeframes set forth by OJRSA.	Terminate water and/or sewer; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties and cost recovery (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to maintain records	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir

	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to one-hundred dollars ($100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to two-hundred dollars ($200); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Failure to properly maintain records after previous enforcement actions.	Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Failure to allow access	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars ($100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6); terminate water and/or sewer.	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
Use of prohibited FOG Control Additives	First (1st) violation.	SNC; AO to install FCD; may be subject to daily penalties of four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION	RSC, PC, Dir

		8.6); terminate water and/or sewer.	
	Second (2nd) violation.	Terminate water and/or sewer; civil penalties (SECTION 8.6)	RSC, PC, Dir
	Continuing to discharge after termination of water and/or sewer.	Direct legal action; civil penalties (SECTION 8.6)	RSC, PC, Dir, Atty
FOG waste hauler / plumber fails to properly clean and maintain FCD	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars ($100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber fails to submit records to OJRSA in timely manner	One (1) incident within a rolling twenty-four (24) month period.	Noncompliance notification detailing violation; NOV; penalty up to one-hundred dollars ($100); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, FOG Insp, Dir
	Two (2) incidents within a rolling twenty-four (24) month period.	NOV; penalty up to four-hundred dollars ($400); cost recovery for expenses incurred due to illegal discharge (SECTION 8.6).	RSC, PC, Dir
	Three (3) incidents within a rolling twenty-four (24) month period.	Suspend FOG Waste Hauler / Plumber Certification until he/she attends new certification class; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
	Four (4) or more incidents within a rolling twenty-four (24) month period.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6);	RSC, PC, Dir
FOG waste hauler / plumber discharges wastewater, FOG, or other prohibited	First (1st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal	RSC, PC, Dir

materials back into the FCD		investigation; terminate User's water and/or sewer.	
FOG waste hauler / plumber decants wastewater back into the FCD or sewer system	First (1st) violation.	Permanently suspend FOG Waste Hauler / Plumber Certification; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate User's water and/or sewer.	RSC, PC, Dir

8.12.7 Hauled Waste Acceptance Violations ERG

Violation	Circumstances	Range of Response	Personnel
Abuse of conditions established in Sections 10.1 and 10.2	First (1st) violation.	Noncompliance notification letter sent to Hauled Waste Transporter company Owner[1] detailing violation; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC
	Second (2nd) violation.	Suspension of violator's Waste Hauler License for two (2) months or after all outstanding fees have been received by OJRSA, whichever is later; cost recovery for expenses incurred due to illegal disposal (SECTION 8.6).	RSC, PC, Dir
	Third (3rd) violation.	Permanent suspension of violator's Waste Hauler License and notification to SCDHEC of Hauled Waste Transporter's status. The company and person, regardless of whether he works for the same company or another Hauled Waste Transporter, will no longer be able to dispose of product at OJRSA facilities.	RSC, PC, Dir

8.12.8 Other Regulatory Violations ERG

Violation	Circumstances	Range of Response	Personnel
Wastestreams are diluted in lieu of treatment	Initial violation.	NOV; AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
	Recurring violation.	AO; Adjudicatory Hearing; cost recovery and civil penalties (SECTION 8.6); criminal	RSC, PC, Dir

[1] As stated on Waste Hauler License.

		investigation; terminate water and/or sewer.	
Failure to properly operate and maintain pretreatment facility	Does not result in harm, No damage to POTW and/or environment.	NOV - Response required within ten (10) business days; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Does result in harm, Damage to POTW and/or environment - SNC.	NOSNC; AO and/or penalty; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; terminate water and/or sewer.	RSC, PC, Dir
Inadequate record-keeping	Inspection finds files incomplete or missing (no evidence of intent).	NOV and repeat inspection; AO.	RSC, PC
	Inspection finds files incomplete or missing (evidence of intent).	Civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate sewer service.	RSC, PC, Dir
	Recurring violation.	NOV; AO; cost recovery and civil penalties (SECTION 8.6); penalty.	RSC, PC, Dir
Violation of any permit condition	Minor, no evidence of negligence or intent.	NOV.	RSC, PC
	Minor, evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, no evidence of negligence or intent.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Major violation of any permit condition, evidence of negligence or intent SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to mitigate noncompliance or curtail production	No damage to POTW and/or environment.	NOV; AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
	Damage to POTW and/or environment SNC.	NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir
Failure to report additional monitoring	Inspection finds additional files or data.	NOV; response required within ten (10) business days.	RSC, PC
	Recurring violation.	AO; cost recovery and civil penalties (SECTION 8.6).	RSC, PC, Dir
Other violations	As defined within this Regulation	NOV; NOSNC; AO; cost recovery and civil penalties (SECTION 8.6); Adjudicatory Hearing; criminal investigation; terminate water and/or sewer.	RSC, PC, Dir

Section 9 – Fats, Oils, and Grease (FOG) Control Program

The OJRSA is mandated by Federal and State regulations to prevent the discharge of untreated sewer to the environment. OJRSA is subject to enforcement actions from SCDHEC and/or EPA when untreated wastewater reaches the environment. Fats, oils, and grease (FOG) can block the sewer lines and cause the untreated sanitary wastewater to overflow into the environment. In order to address this requirement, the OJRSA has established the following FOG Control Program, which is also supported by the OJRSA Development Policy and other policies as applicable.

9.1 Purpose

A. The FOG Control Program has been developed in accordance with Section 3 and Section 4 of this Regulation with its purpose being to provide for the regulation of the collection, control, and transportation of non-hazardous FOG of animal or vegetable origin generated by Users. All Users, including FOG Generators such as Food Service Establishments, must comply with established grease limits as contained in Section 4.2.

B. Compliance with this Regulation in support of the FOG Control Program shall be evaluated based on all the following criteria:
   1. Properly sized and approved FOG Control Devices;
   2. Approval and implementation of Best Management Plans;
   3. Placement of FOG control signs above FOG Generator sinks;
   4. Regularly scheduled maintenance of FOG Control Device(s);
   5. Documentation of maintenance and proper disposal;
   6. Employee education and training; and
   7. Demonstrated adherence to established quantitative concentration or mass limit(s) as measured at the nearest accessible point prior to FOG Generator's connection to the public sewer.

9.2 Duties

A. The Director has the authority to enforce compliance with Permits and Regulations. Acting under the Director is the Regulatory Services Coordinator or his/her assigned representative(s) (e.g., FOG Program Coordinator), who shall be responsible for implementing this Regulation.

B. The Regulatory Services Coordinator or their assigned representatives shall be responsible for all administrative actions such as inspections, plan review, analyses, and records maintenance.

C. Any reference to OJRSA within this Regulation as the responsible or authoritative party shall mean the designated and assigned OJRSA representatives.

D. Duties regarding the enforcement of these requirements are outlined in Section 8 of this Regulation.

9.3 Applicability

A. The FOG Control Program is applicable to all Nonresidential Users who generate or transport FOG. The Regulation also applies to Hauled Waste Transporters of the FOG generated from these and other facilities. Classifications for the types of FOG Generators can be found in Section 9.7.

B. All Users shall provide approved FOG Control Devices necessary to meet limits established in the Regulation or any FOG Permit issued by OJRSA.

C. Devices shall not be required for Single-Family Residential or dwelling units unless associated with regulated Multi-Family Developments as follows:
   1. Multi-Family Developments shall be required to install a FOG Control Device in compliance with Section 9.7 when five (5) or more units occupy a single building and where the individual living units share a common wastewater drain line that serves more than one (1) unit within the building.
   2. This will apply to all new Multi-Family Developments that are issued a Capacity Permit after June 30, 2023. Existing facilities will be grandfathered as constructed unless the facility has to do substantial modifications which include replacement of fifty percent (50%) or more of the drain

lines or plumbing within the building. Modifications must include the installation of a FOG Control Device as set forth in this Regulation.

D. Kitchen sinks, dishwashers, and other kitchen-related devices the OJRSA determines could cause negative impact on its conveyance or treatment system from FOG must be plumbed together through a common drain line to allow for this wastewater to flow through a FOG Control Device as stated in this Section.

E. Food Service Establishments and FOG Generators
   1. All Food Service Establishments (FSEs) which are proposed, constructed, expanded, renovated, reconstructed, or change ownership shall meet the requirements included herein prior to opening, expanding, or reopening the FSEs.
   2. All Users may be required to upgrade and/or modify FOG Control Devices to comply with the Regulation. This includes, but is not limited to, proper sizing of FOG Control Devices, piping issues, manhole installation, and other appurtenances. All control devices shall be approved by OJRSA prior to installation.
   3. Any facility that is required by SC 61-25 (*Retail Food Establishment Regulations*) to have a three (3) compartment sink must have a FOG Control Device installed.
   4. Existing FSEs and FOG Generators are required to have a FOG Control Device (FCD) properly installed, maintained, and operating in accordance with this Regulation by no later than June 30, 2024.

F. Multi-Unit Commercial Facilities
   1. New Multi-Unit Commercial Facilities
      (a) New Multi-Unit Commercial Facilities (MUCF) must have two (2) separate sewer line connections at each unit. One (1) sewer line will be sanitary wastewater and one (1) FOG waste line will be for the kitchen area, or potential kitchen area, of each unit. The kitchen area, or potential kitchen area, grease waste line will be connected to floor drains in the specified kitchen area, and will connect, or be able to connect, to other food service establishment kitchen fixtures and appliances, such as but not limited to: three (3) compartment sink, two (2) compartment sink, pre-rinse sink, mop sink, dishwasher, and hand wash sink.
      (b) Owners shall contact the OJRSA prior to conducting private plumbing work at the MUCF. Facility Owners shall have plans for separate private FOG wastewater drain lines for kitchen and sanitary wastewater for each individual unit. In addition, the plans shall identify stub-out locations to accommodate a FOG Control Device of adequate size as approved in the *OJRSA Development Policy* for each unit of the multi-unit facility or provide a larger capacity FOG Control Device that could be shared by multiple FSEs in the strip mall. Proposals for multiple FSEs connected to one gravity FOG Interceptor or series of gravity FOG Interceptors must be approved by the OJRSA prior to construction. A copy of the maintenance agreement shall be filed with the OJRSA for any GCD that is not owned AND maintained by the same entity. New multi-unit facility, or new "strip mall" facility Owners shall consider suitable physical property space and sewer gradient that will be conducive to the installation of an exterior, in-ground gravity FCD when determining the building location.
      (c) An Owner may elect to construct a MUCF without separate sewer plumbing; however, the Owner must provide a signed and notarized document that includes the following statement prior to approval of plans or issuance of a building permit:

      I, _____ [Owner name here]**, UNDERSTAND THAT IF A FOOD SERVICE ESTABLISHMENT OR OTHER POTENTIAL USER DETERMINED BY THE OJRSA TO POSSIBLY BE A PRODUCER OF FATS, OILS, AND GREASE (FOG) WASTE FROM THEIR SITE, THEN I WILL PROVIDE THE PROPER FOG CONTROL DEVICES AND INSTALL PLUMBING AS NECESSARY TO COMPLY WITH OJRSA SEWER USE REGULATION AND OTHER OJRSA POLICIES PRIOR**

TO THE USER OCCUPYING ANY COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL UNIT(S) WITHIN THE DEVELOPMENT, WHICH INCLUDES:

[County TMS Number here]
[County TMS Number here]

IF THE UNITS AND/OR PARCELS ARE SUBDIVIDED OR IF THE PROPERTY IS SOLD OR OTHERWISE TRANSFERRED, I ALSO UNDERSTAND THAT IT IS THE RESPONSIBILITY OF THE SITE OWNER(S) TO COMPLY WITH THESE REGULATIONS, AT NO EXPENSE TO THE OJRSA, PRIOR TO THE ESTABLISHMENT OF WATER AND SEWER SERVICE.

2. Existing Multi-Unit Commercial Facilities
   (a) Multi-Unit Commercial Facilities (MUCF) that were constructed prior to June 30, 2023 shall be grandfathered and may not have to comply with provisions of this Section unless:
      (i) Negative impacts are placed on the public sewer system due to FOG generated from within the facility (e.g., blockages in the conveyance system). The OJRSA reserves the right to require MUCF to install appropriate plumbing and FOG Control Devices if they are causing negative impact to the public sewer system.
      (ii) If an existing MUCF is replacing or updating internal piping for wastewater handling, then they shall comply with requirements of a New MUFC.

9.4 Right of Entry, Inspections, and Recordkeeping

A. Provisions in the Regulation regarding monitoring, inspection, and right of entry to the FOG Generator's facility and the Hauled Waste Transporter's vehicle (Section 10.4) and facilities are incorporated fully within these Regulations and shall be implemented to ensure that maintenance is being completed as recorded as required.
B. FOG Generators shall provide access to OJRSA staff or its agents to inspect records and FOG Control Devices or obtain representative samples and perform other duties as necessary to ensure compliance.
C. The FOG Generator shall maintain FOG Control Device inspection records on site for review by OJRSA for a minimum of three (3) years. The records shall include FOG Control Device cleaning and maintenance records.
D. Hauled Waste Transporters of FOG and other types of waste shall provide OJRSA staff or its agents access to inspect records, obtain representative samples, and perform other duties as necessary to ensure compliance.
E. FOG Control Devices (FCD) must be inspected by the OJRSA or an OJRSA approved FOG waste hauler / plumber at least once each calendar year when the FCD is cleaned. The FOG waste hauler / plumber must use the FOG Control Device Inspection Form as provided by the OJRSA.
F. Should a problem with the FCD be noted during the inspection, then the FOG waste hauler / plumber must notify the OJRSA within one (1) business day of conducting the inspection.
G. Denial of Entry – Failure to provide entry or access to information regulated by the OJRSA should be documented by the employee and the Director should be notified as soon as possible. The Director will discuss the denial of entry with the OJRSA attorney. If necessary, OJRSA will seek a warrant from the court with appropriate jurisdiction and will return with law enforcement to conduct the inspection and/or sampling. Continued failure to provide entry will result in OJRSA taking enforcement actions against the User as set forth in this Regulation. Denial of entry will result in a violation as set forth in the FOG Enforcement Response Guide set forth in this Regulation
H. Confidentiality Agreements – See Section 6.12. **OJRSA PERSONNEL CONDUCTING THE INSPECTION CANNOT SIGN ANY CONFIDENTIALITY AGREEMENTS, WAIVERS OF LIABILITY, OR NON-DISCLOSURE AGREEMENTS**. Any records that are reviewed during the inspection and must be kept confidential must be stamped with the word "confidential" and OJRSA will adhere to the confidentiality requirements set forth

in this Regulation, subject to advice of OJRSA legal counsel regarding South Carolina open records laws and the applicability of SECTION 6.12 of this Regulation to the specific facts and circumstances at issue.

9.5 PERMITTING

OJRSA may issue a FOG Permit or other control document to FOG Generators and Hauled Waste Transporters as a condition of use, or continued use, of OJRSA facilities and services. A FOG Permit may be issued to a single User or a group of Users with similar processes, practices, and wastewater characteristics. Although not necessary in all cases, FOG Permits may contain, but are not limited to, flow limitations, pollutant limitations, monitoring requirements and reporting requirements as well as any other conditions or requirements that OJRSA determines necessary to ensure compliance of the User and protection of the collection and treatment facilities.

9.6 FOG GENERATOR REQUIREMENTS

A. Best Management Practices
   1. All FOG Generators shall have Best Management Practices (BMPs) in place to control excessive discharges of FOG to the public sewer and to ensure proper performance of FOG Control Devices (FCD).
   2. Examples of BMPs may include but are not limited to: scraping excess food from plates, pans, and food containers into the trash before washing; having signage posted at sinks (e.g., "Hand Washing Only," "Scrape Plates before washing," "No Fats, Oils, or Grease," etc.); having proper sink, floor sink, and dishwasher strainers on all drains; disposing of all yellow grease into a FOG Recycle Container; and establishing procedures for observing and approving all maintenance activities that require access to the FCD.
   3. OJRSA will review BMPs and may require modifications as necessary to ensure compliance. For any kitchen drain not connected to a FCD, the FOG Generator shall maintain employee training and/or signage adequate to prevent discharge of FOG to such drains.

B. Inground FOG Interceptors are necessary and required for most FOG Generators to be in compliance with established limits and standards. Requirements and details for FCD are found in the *OJRSA Development Policy*. In some circumstances, FOG Traps may be allowed if:
   1. It is determined by OJRSA that a FOG Trap provides adequate control due to site specific conditions; and/or
   2. It is determined by OJRSA that space or size constraints make an inground FOG Interceptor impractical and/or unserviceable.

C. FCDs shall be purchased, maintained, and secured by the FOG Generator at the FOG Generator's expense. It is the FOG Generator's responsibility to ensure that proper maintenance of the device includes removal of all contents including floating materials, wastewater, and solids at a maintenance frequency which will allow proper operation of the FCD. The FOG Generator will be responsible for observing and approving all pumping and cleaning activities as a condition of the disposal.

D. At no time shall the cleaning frequency of the FCD exceed ninety (90) calendar days unless approved in writing by OJRSA. Approval will be granted on a case-by-case situation with submittal by the FOG Generator documenting proof that a reduced cleaning frequency will meet the requirements of this Regulation. Some FOG Generators may need to consider a more frequent pumping schedule to meet the requirements of this Regulation.

E. FOG Interceptors must be pumped-in-full (complete removal of all contents) when the total accumulation of surface FOG (including floating solids) and settled solids reaches twenty-five percent (25%) of the FOG Interceptor's inlet liquid depth if before the ninety (90) calendar day pump out requirement. Failure to meet these requirements shall result in enforcement actions as set forth in SECTION 8 of this Regulation.

F. FOG Generators required to install new or replacement devices shall request and complete a Food Service Establishment Questionnaire as provided by OJRSA. The survey, along with the FCD specifications, details, and plans must be submitted to OJRSA prior to installation. Based on the information provided by the FOG

Generator, the OJRSA will provide a written determination of the required FCD prior to installation. Additionally, the survey will be considered a request to discharge to the OJRSA system. *Approval must be granted by OJRSA prior to connecting the device to the public sewer*.

G. It is the responsibility of the FOG Generator, new or existing, to notify OJRSA prior to the purchase and installation of any FGD.

H. Prior to installation or modification of a FCD, details showing piping configurations shall be submitted to OJRSA. The details and installation shall comply with this Regulation and OJRSA Development Policy, as well as other applicable laws and building codes. OJRSA shall review the submittal within ten (10) business days and shall recommend changes as appropriate. Construction approval shall be evidenced by a letter signed by an OJRSA Authorized Representative. Prior to commencement of construction or installation, the FOG Generator shall secure applicable local building, plumbing, and other permits.

I. The FOG Generator shall notify OJRSA at least two (2) business days prior to backfilling the FCD and piping to request a final inspection of the installation. OJRSA may halt the completion of the installation or notify the local building inspector if the installation does not meet the requirements of this Regulation.

J. No FOG Generator shall alter, modify, or change from original design specifications a required FCD without written approval from an OJRSA Authorized Representative. The design and installation instructions for the OJRSA are set forth in the *OJRSA Development Policy*.

K. After June 30, 2023, any change of ownership of an existing FSE or FSE reopening for business having an existing (grandfathered) Automatic FOG Trap or an existing FOG Control Device and/or required by OJRSA to have a FOG Control Device must replace the FOG Control device with one approved by OJRSA or must replace the FOG Control Device to meet the current requirements set forth in this Regulation. If an Automatic FOG Trap is causing negative impacts to the public sewer system (e.g., blockages in the conveyance system, etc.), then the device shall be replaced with a FOG Trap or FOG Interceptor that complies with these Regulations.

L. Cleaning of kitchen exhaust filters should be performed routinely to ensure that the FOG Control Device is able to contain the FOG waste and not overwhelm the sewer system. Any wastewater generated by the cleaning of the filters should be directed to the FOG Control Device and not the sanitary sewer.

M. For any report, application, or other documents required to be submitted by a FOG Generator to OJRSA, such document shall be signed by:
    1. The Owner, or
    2. General Manager; or
    3. Manager, or
    4. A specified individual authorized in writing by one of the above with the authority to bind the FOG Generator and to make representations to OJRSA on the FOG Generator's behalf.

9.7 FOG GENERATOR CLASSIFICATIONS

OJRSA has established the following classifications for FOG Control Devices:

A. Facilities that are not defined in one of the below classifications will be addressed by the OJRSA on a case-by-case basis. The facility will need to provide their applicable NAICS code(s) to OJRSA.

B. Facilities that provide dining space and vending machines with no food preparation other than microwave ovens and the like will be evaluated on a case-by-case basis.

C. Class 1 FSE or FOG Generator – Minimum twenty gallon per minute (20 gpm) and forty pound (40 lb) grease trap. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.**
    1. Facilities without a ventilation hood system or filter as required by SCDHEC R61-25 (Retail Food Establishments);

2. Delis engaged in the sale of salads, cold cuts and microwaved/convection oven warmed sandwiches/subs with no frying or grilling on site, use of precooked meats, utilization of disposable serving ware with very limited culinary washing;
3. Meat Markets with meat preparation such as slicing and grinding with no cooking on site;
4. Coffee Shops (small);
5. Ice Cream Shops;
6. Frozen Yogurt Shops;
7. Retail Bakeries (small) with no on-premises frying or preparation of other non-bakery foods;
8. Doughnut Shops with baking only (no mixing of ingredients or frying);
9. Beverage Bars with limited on-premises food preparation that can be classified as a deli;
10. Day Care Facilities (minimum classification-depending on menus, food preparation, culinary cleaning, and number of meals served);
11. Religious Organizations (minimum classification – depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served);
12. Mobile Food Unit vendors (must have an approved method of disposal as defined in SC R61-25(5-4)).

D. Class 2 FSE or FOG Generator – If a facility is required to have a ventilation hood system or filter as required by SCDHEC R61-25 (Retail Food Establishments), then they will be considered at least a Class 2 FSE or FOG Generator. Minimum one-thousand gallon (1,000 gal) FOG Interceptor. **REQUIRES FOG DEVICE SIZING CALCULATION SHEET TO BE COMPLETED BY FSE OR FOG GENERATOR. OJRSA SHALL PROVIDE CALCULATION SHEET.** The facility will need to provide their applicable NAICS code(s) to OJRSA.

1. Limited-Service Restaurants (a.k.a. fast-food facilities, drive-in, carry-out);
2. Day Care Facilities (maximum classification-depending on menu, food preparation, culinary cleaning, and number of meals served);
3. Religious Organizations (maximum classification – depending on menus, food preparation, culinary cleaning, number of meals served, and frequency meals are served);
4. Full-Service Restaurants (minimum classification – seating capacity less than sixty-five (65) persons);
5. Buffet and Cafeteria facilities (minimum classification – seating capacity less than sixty-five (65) persons);
6. Doughnut Shops with on-premises frying;
7. Coffee Shops (large);
8. Caterers;
9. Convenience Stores serving food (with or without fuel pumps);
10. Supermarket/Grocery Stores;

E. Class 3 FSE or FOG Generator – Minimum one-thousand five hundred gallon (1,500 gal) FOG Interceptor. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.** The facility will need to provide their applicable NAICS code(s) to OJRSA.

1. Full-Service Restaurants (maximum classification – seating capacity greater than or equal to sixty-five (65) persons);
2. Buffet and Cafeteria Facilities (maximum classification – seating capacity greater than or equal to sixty-five (65) persons).

F. Class 4 FSE or FOG Generator – Minimum two-thousand gallon (2,000 gal) FOG Interceptor. **REQUIRES SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT TO PROVIDE CALCULATIONS FOR SIZING. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.** The facility will need to provide their applicable NAICS code(s) to OJRSA.

1. Institutions (Schools, Hospitals, Nursing Homes, Prisons, etc.), but not to exclude self-run operations.
2. Multi-Family Developments as stated in OJRSA SUR 9.3(C)(1) and (2).

G. Class 5 FOG Generator – **SIZE TO BE DETERMINED BY A SC LICENSED REGISTERED ENGINEER OR SC LICENSED ARCHITECT. CALCULATIONS MUST BE PROVIDED TO OJRSA. OJRSA MAY PROVIDE CALCULATION SHEET AS APPROPRIATE TO APPLICATION.**
    1. Industrial Users: Will receive industrial wastewater discharge permit and subject to applicable portions of the Sewer Use Regulation.
    2. Others as appropriate.

9.8 FOG Control Devices and Installation Requirements

A. No FOG Control Device (FCD) shall be installed or replaced without OJRSA approval.
B. All FCDs are to be evaluated, approved, constructed, and installed in accordance with the Regulations and the *OJRSA Development Policy*. The vendor supplying the FCD must be able to meet the specifications detailed in the *OJRSA Development Policy*.
C. OJRSA reserves the right to make determinations of FCD sizing and adequacy based on performance and condition and may require repairs to, modifications, or replacement of FCDs as such.
D. Garbage grinders are strictly prohibited where FCD are required.
E. Kitchen floor drains/sinks must have grating to prevent disposal of solids in devices.
F. Documentation for the actual sizing of the FCD must be submitted to OJRSA for approval. OJRSA may provide a sizing calculation sheet for the FCD.
G. FOG Trap Requirements
    1. There is a minimum acceptable size devices based on the classification system as stated in Section 9.7.
    2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
    3. *Automatic FOG Traps that use mechanical or electrical means to skim FOG from wastewater are prohibited in accordance with OJRSA SUR 9.6(K).*
    4. Discharge or addition of the following materials to an under-the-sink FOG Trap is strictly prohibited:
        (a) Plumbing of fixtures as identified in the *OJRSA Development Policy*;
        (b) Wastewater with a temperature higher than one-hundred forty degrees Fahrenheit (140°F);
        (c) Acidic or caustic cleaners (e.g., lye or root killer);
        (d) Fryer oil or grill trap FOG waste; and
        (e) FOG Control Additives (as defined in Section 2.3).
H. FOG Interceptor Requirements
    1. There is a minimum acceptable size devices based on the classification system as stated in Section 9.7.
    2. The *OJRSA Development Policy* contains the design and installation requirements for a FOG Trap.
    3. All FOG Interceptors shall be adequately secured against unauthorized access.
    4. All new inground FOG Interceptors must be leak tested prior to putting the unit into service.
    5. Discharge of, or addition of, the following materials are strictly prohibited from disposal to an inground FOG Interceptor:
        (a) Acidic or caustic cleaners (e.g., lye or root killer); and
        (b) FOG control additives (as defined in Section 2.3).

9.9 Maintenance

A. FOG Traps
    1. **FOG TRAPS SHALL BE MAINTAINED ON A WEEKLY BASIS**. *Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed two (2) weeks.*
    2. Food Service Establishments (FSEs) shall maintain a detailed, written log of FOG Trap maintenance. These records shall be maintained in accordance with Section 9.4.
B. FOG Interceptors

1. **FOG INTERCEPTORS SHALL BE MAINTAINED ON A QUARTERLY (EVERY THREE (3) MONTH) BASIS.** *Modified maintenance schedules must be approved by the OJRSA but in no case will cleaning intervals exceed six (6) months.*
2. The following FOG Interceptor maintenance activities must be performed:
   (a) Complete removal of all contents of the FOG Interceptor rather than skimming the top grease layer. Top skimming, decanting, or back-flushing of the device, its contents, septage waste, solids, water, or other materials back into the FOG Interceptor for the purpose of reducing the volume of waste to be hauled is prohibited. Vehicles capable of separating water from FOG shall not discharge separated water into the FOG Interceptor or into the wastewater conveyance system.
   (b) Provide a thorough cleaning of the FOG Interceptor to remove FOG buildup from inner walls and baffles.
3. Private Sewer Line Cleaning of FOG Requirement – Any Hauled Waste Transporter, plumber, or contractor that cleans FOG from a FSE's private sewer lines must insure that the FOG and other debris cleaned from these pipes does not cause an obstruction or blockage in any sewer lines that ultimately discharge to the public sewer. Therefore, the FOG or other debris cleaned from the private sewer line should be vacuumed or removed and properly disposed of. The Hauled Waste Transporter, plumber, or contractor shall immediately contact the OJRSA if FOG is pushed or jetted into the sewer lines that ultimately discharge to the OJRSA conveyance system or treatment facility to make the OJRSA aware of the FOG and debris at the specific location. If maintenance is required on any lines that receive the debris, the OJRSA can recover costs maintenance as set forth in SECTION 8.6 and/or *OJRSA Schedule of Fees*.

9.10 HAULED WASTE TRANSPORTER / PLUMBER REQUIREMENTS

Hauled Waste Transporters and Plumbers performing service and maintenance on FOG Control Devices (FCD) shall:

A. Comply with requirements in SECTION 9.9.
B. Submit a record of all FSEs maintained to the Regulatory Services Coordinator or his/her designee monthly.
C. Use only disposal sites or methods approved in the Waste Hauler License that is issued to the Hauled Waste Transporter.
D. Be responsible for determining the nature of the waste and completing a manifest before transport. A completed FOG Waste Disposal Record Form must accompany each load and a copy given to the Owner of the FOG Generator. The record must include the name, address, and phone number of the FOG Generator company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other material removed from the FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the hauler signature.
E. Perform the following activities:
   1. Provide a completed disposal manifest with the FOG Generator's signature to accompany each load of FOG waste to the disposal site.
   2. Attend a certification class conducted by OJRSA once every three (3) years to obtain or maintain certification to inspect the FCDs and perform the services set forth in this Regulation. If the hauler or plumber hires a new employee in the period between training offerings by the OJRSA, then they must make arrangements with OJRSA to obtain the training before performing an inspection. When the next regular scheduled class is held, then the new employee will be subject to this training as well in order to meet the training requirement set by OJRSA.
   3. Inspect the FCD at least once per year for each Food Service Establishment or FOG Generator. Should the FCD be found non-functional, damaged, or altered in any way, then the inspector must notify the OJRSA within one (1) business day of performing the inspection. Pictures of the issues with the device should be taken while the device is empty and submitted to OJRSA with the notification.

9.11 FEES

Provisions in the Regulation regarding fees and charges shall be assessed to FOG Generators and Hauled Waste Transporters as stated in the *OJRSA Schedule of Fees*.

9.12 COMPLIANCE ENFORCEMENT

A. Failure on the part of any FOG Generator or Hauled Waste Transporter to maintain continued compliance with any of the requirements set forth in this Regulation may result in the initiation of enforcement action. Violations of these provisions are subject to the enforcement provisions contained in SECTION 8 of the Regulation, which may include administrative and civil penalties. In addition, fines assessed for violations involving blockages, cleanup, or other occurrences requiring increased operations and/or maintenance expenses shall include the cost incurred by OJRSA or Satellite Sewer Systems for the cleanup or blockage removal. In accordance with the recovery of preventative expenses provisions contained in the Regulation, costs and expenses incurred by OJRSA for preventing interference or adverse impact on the public sewer, may be charged to and paid by the discharger upon written notice. Also see OJRSA SUR 8.12(E).

B. A Compliance Schedule shall be developed and issued to FOG Generators found to be in violation of this Regulation or in need of the addition, repair, or upgrade of a FOG Control Device (FCD). Accelerated compliance shall be required for Users which are found to be discharging FOG in sufficient quantities to cause blockages or necessitate maintenance on the wastewater conveyance system to prevent blockages. FOG Generators causing blockages of sewer lines and/or sanitary sewer overflows will be required by OJRSA to increase cleaning frequency for the FCD. The FOG Generator will be notified in writing of any Compliance Schedule or date and these schedules shall contain milestones necessary to achieve compliance with the Regulation. Failure to meet a Compliance Schedule or component of a schedule shall be grounds for enforcement including monetary penalties. Any requests for extensions shall be made in writing to OJRSA at least thirty (30) calendar days in advance of the compliance date. The request shall include the reasons for failure to comply, additional time required for compliance, and steps taken to avoid further delays.

C. OJRSA reserves the right to monitor, or require monitoring, of any FOG Generator or Hauled Waste Transporter to demonstrate compliance

D. Should a FOG Generator be found to be responsible for issues with the sewer system and/or a sanitary sewer overflow, then the OJRSA reserves the right to take enforcement actions as set forth in this Regulation. These actions may include providing as-built drawings for the facility, mapping and inspection of the sewer line, and other enforcement actions set forth in SECTION 8 of this Regulation.

E. Violations may also be reported, as appropriate, to SCDHEC and local codes offices for further enforcement action.

9.13 REQUESTS FOR VARIANCE

A. Requests for a variance to any of the requirements or OJRSA implementation of the requirements contained in this Regulation must be submitted in writing to the Regulatory Services Coordinator within thirty (30) calendar days of the FOG Generator or Hauled Waste Transporter being notified of a requirement or Compliance Schedule. The request for variance must specifically state the reason for the request and how the User will ensure demonstrated compliance with established limits.

B. Conditional variances may be granted at the discretion of the Regulatory Services Coordinator and will typically require additional control measures be placed on the User to ensure compliance which may include but are not limited to: additional maintenance requirements, more stringent Best Management Practices, monitoring requirements (or additional requirements), permit(s) and/or cost recovery. *In no case shall a variance be issued in lieu of compliance with established numerical limits or when damage to the conveyance system, public sewer, or treatment facility is evident.*

C. On a case-by-case basis, at the discretion of the Director, alternative FOG Control Devices (FCD) may be considered and approved for installation at a FOG Generator. The alternative FCD must control FOG discharges from the User and be maintained as outlined in this Regulation. Items that may be considered

in this determination will be footprint of existing buildings, location of property boundaries, and a lack of room for an outside FOG Interceptor. *Alternative FCDs shall not be considered for new building construction.*

D. If an existing FOG Generator is housed in a structure that, because of its architectural or historical restrictions or limitations or the Owner will suffer extreme economic hardship in order to upgrade the existing FCD, then the establishment may keep the current FOG Interceptor provided the FOG Interceptor is at least fifteen (15) feet from the nearest ventilation intake on the facility's heating and cooling unit.

E. Consideration of a variance may be subject to fees as set forth in the *OJRSA Schedule of Fees*.

Section 10 – Hauled Waste Acceptance

10.1 Authority and General Conditions

A. The OJRSA is authorized to accept hauled waste originating within the OJRSA service area boundaries. Additionally, OJRSA may grant approval to accept hauled waste from locations outside of the service area when it is determined that:
   1. Due to matters of policy or regulation, inadequate receiving facilities, treatment limitations, equipment malfunction, nature or quantity of waste, or other factors there is no viable alternative for disposal of the hauled waste in the service area where it originates.
   2. It is advantageous to OJRSA or the jurisdictional municipality for the hauled waste to be disposed of at OJRSA facilities.

B. With the adoption of this Regulation, the OJRSA will only be accepting the following hauled wastes: septic tanks with sanitary wastewater only (no industrial or non-sanitary sewer septage), biological package treatment plant sludge, alum sludge, porta-john waste, and others that are deemed beneficial to the water reclamation facility and its treatment process. OJRSA must preapprove the types and volume of waste prior to delivery, which is performed when licensing the haulers. OJRSA also reserves the right to take waste from the cleaning and maintenance of any of the public sewer lines that discharge wastewater ultimately to the wastewater treatment plant.

C. The terms and conditions for the acceptance of hauled waste from outside of the OJRSA service area shall typically be in writing and is subject to applicable inter-jurisdictional agreements.

D. All FOG Generators, Hauled Waste Transporters, and dischargers of hauled waste must be in compliance with SC R61-56.1 and the *OJRSA Sewer Use Regulation*.

E. Abuse of the above requirements stated in Section 10.1 shall result in actions as detailed in Section 8.12.7.

F. All Haulers will be permitted annually by OJRSA.

G. The Hauler will give the FSE a copy of the FOG Waste Disposal Record when a clean-out occurs. The record must include the name, address, and phone number of the FOG Generator company; the name(s) of the individual(s) performing the work, the volume of the wastewater and other material removed from the FCD, the disposal location and address, the date of waste removal, the FOG Generator signature, and the hauler signature. These records must be kept by the FSE for review by OJRSA personnel during an inspection.

10.2 Specific Conditions of Acceptance

A. Acceptance of Hauled Waste
   1. All hauled waste products shall only be accepted at a designated OJRSA receiving site by Hauled Waste Transporters that have a valid Waste Hauler License to dispose of product at OJRSA facilities.
   2. Hauled waste is only accepted on business days during the hours of operation as posted at the OJRSA Operations and Administration Building. On occasion, it may also be necessary to stop the acceptance of hauled waste during normal acceptance periods due to issues with the treatment plant, staffing shortages, personnel training, or other scheduled or unscheduled event. The OJRSA shall not accept waste outside of these hours except under the following conditions:

(a) It is in response to an emergency associated with a DHEC-permitted Satellite Sewer System directly or indirectly connected to the OJRSA's wholesale or retail system; and
(b) The emergency must originate on public or common property owned, operated, and maintained by the Satellite Sewer System. *Events that occur on private property are not considered an emergency per this Regulation. The OJRSA reserves the right to confirm all information regarding the emergency with the registered agent(s) of the Satellite Sewer System.*
(c) An afterhours acceptance fee per load plus the cost of disposal as stated in the *OJRSA Schedule of Fees* shall apply.
(d) The OJRSA shall not accept residential, Commercial, industrial, or institutional hauled waste afterhours, including waste from onsite wastewater systems and septic tanks.

3. Abuse of the above requirements stated in SECTION 10.2 shall result in actions as detailed in SECTION 8.12.7.

B. Septic Tank Waste
1. Acceptance From Within OJRSA Service Area
(a) OJRSA will accept Residential septic tank waste originating from within the OJRSA's service area.
(b) OJRSA may accept Industrial or Commercial septic tank waste (sanitary only) with prior approval. Approval must be requested and granted in writing prior to discharge at OJRSA facilities.
(c) Sanitary wastewater from Nonresidential Users located outside the service area will not be accepted under any circumstances.
(d) Loads mixed with Residential septic tank waste from inside and outside of the service area shall not be accepted without prior approval; however, mixed loads that may contain Nonresidential septic tank wastewater from outside of the service area shall not be accepted under any circumstances.
2. The information for each load of septic tank waste must be provided to the OJRSA prior to disposal at the treatment facility.
3. Septic tank waste shall not be comingled or mixed with any other form of hauled waste prior to discharge at OJRSA facilities.
4. Acceptance of septic tank waste shall be subject to fees and charges as outlined in the *OJRSA Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

C. Portable Toilet Waste
1. Acceptance From Within OJRSA Service Area
(a) OJRSA will accept portable toilet waste originating from within the OJRSA service area only.
(b) Portable toilet waste originating outside of the OJRSA service area may not be discharged at OJRSA facilities without prior approval.
(c) Loads mixed with portable toilet waste from inside and outside of the service area shall not be accepted without prior approval.
2. Portable toilet waste to be accepted must consist of sanitary waste only.
3. Portable toilet waste shall not be comingled or mixed with any other form of hauled waste, including septic tank waste, prior to discharge at OJRSA facilities.
4. The information for each load of portable toilet waste must be provided to the OJRSA prior to disposal at the treatment facility.
5. Acceptance of portable toilet waste shall be subject to fees and charges as outlined in the *OJRSA Schedule of Fees*. Additional fees and charges may be applied to wastes originating outside of the OJRSA service area.

D. Beneficial Hauled Waste

1. OJRSA may designate any source or form of hauled waste as beneficial waste. Beneficial hauled waste may be accepted at locations and under conditions set forth in an approval letter.
2. Considerations for designation and acceptance as beneficial hauled waste shall be requested in writing to the attention of the OJRSA Regulatory Services Coordinator.
3. Each request for beneficial hauled waste designation shall be reviewed by OJRSA on a case-by-case basis and approval shall be granted in an approval letter or contract. Special conditions, restrictions and limitations may apply.
4. Fees, charges, credits, or payments, as applicable, may be negotiated with the waste generator as a condition of acceptance of each designated beneficial hauled waste.

E. Prohibited Wastes
1. OJRSA will no longer receive brown grease sixty (60) days following the adoption of this Regulation.
2. The OJRSA shall prohibit the receipt of and/or disposal of any materials as identified in the Regulation to any facility connected to OJRSA facilities, including those that originate on private property (e.g., private sewers).
3. OJRSA does not accept any brown grease waste, yellow grease waste, or waste that would be considered hazardous under the RCRA regulations.

10.3 Hauled Waste Transporter Requirements

A. The contents of a Hauled Waste Transporter operated by a SCDHEC-licensed hauler of holding tank waste shall be discharged to the POTW only at a location approved by the Director. Such wastewater must have prior written approval of the Director before being discharged. The discharge of this waste shall be subject to the procedures, limitations, and fees set by the Director in the letter of acceptance, and a copy of this letter shall be attached to the Nonresidential Hauled Waste Request for Disposal Form. The licensed hauler shall provide the information requested as shown in the Regulation.

B. The discharge of such wastes shall be subject to the procedures and limitations established by the Director, as stated in appropriate sections of this Regulation.

C. Only wastes originating within the OJRSA's service area may be accepted.

D. Waste Hauler License shall be obtained from the OJRSA and shall be issued for a specified period not to exceed one (1) year. This License is based on the calendar year and will have a beginning date no earlier than January 1 and an ending date no later than December 31.

E. Transporters are responsible for ensuring that any hauled waste discharged at OJRSA facilities is in compliance with all applicable regulations and that truck contents are as represented on each Septic Tank Discharge Record or Nonresidential Hauled Waste Request for Disposal Form. Each load of residential septic or FOG waste shall be accompanied by a complete and legible Septic Tank Discharge Record form that includes the following signed certification statement:

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE PERFORMED APPROPRIATE INVESTIGATION TO ENSURE THAT THE WASTEWATER TO BE DISCHARGED IS FROM NO OTHER SOURCE THAN A SEPTIC TANK, FOG TRAP OR INTERCEPTOR, ORIGINATED IN OCONEE COUNTY OR WITHIN THE OJRSA SERVICE AREA, AND TO THE BEST OF MY KNOWLEDGE CONTAINS NO HAZARDOUS MATERIAL, TOXIC MATERIAL, OR INDUSTRIAL MATERIAL IN ANY AMOUNTS. FURTHERMORE, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY ADVERSE IMPACTS RESULTING FROM THE CONTENTS BEING DISCHARGED.

10.4 Inspection and Monitoring

In accordance with Section 7.1, OJRSA shall be permitted to inspect equipment, vehicles, records, waste origination sites, holding tanks, and other properties utilized by a Hauled Waste Transporters to ensure compliance with this Regulation. All Users of OJRSA facilities shall be subject to surveillance utilizing remote monitoring and recording equipment. Additionally, OJRSA may conduct or require sampling and monitoring of hauled waste to validate documentation or satisfy compliance requirements.

10.5 Fees and Charges

Fees and charges for septic tank and FOG waste originating in the OJRSA service area are established in the *OJRSA Schedule of Fees*. If approved for acceptance as stated in Sections 10.1 and 10.2, then fees and charges for other forms of hauled waste or waste originating from outside the OJRSA service area will be established on a case-by-case basis as a part of the approval process. Hauled Waste Transporters or generators will not be allowed to discharge hauled waste at OJRSA facilities without proper payment of fees and charges.

10.6 Enforcement

Any User who violates the provisions of this Regulation or fails to abide by any rules, requirements, or procedures that OJRSA implements in support of this Regulation, will be subject to enforcement as outlined in Section 8. Enforcement may include fines and/or discontinuance of service and or use of OJRSA facilities.

Section 11 – Severability

If any provision, paragraph, word, section, or article of these Regulations are invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 12 – Conflict

All regulations and parts of regulations inconsistent or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

RESOLUTION 2024-02

Adoption of OJRSA Sewer Use Regulation

A RESOLUTION ADOPTING THE OCONEE JOINT REGIONAL SEWER AUTHORITY SEWER USE REGULATION; AND OTHER MATTERS RELATED THERETO.

NOW, THEREFORE, BE IT RESOLVED by the Oconee Joint Regional Sewer Authority Commission (the "Commission"), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") in a meeting duly assembled as follows:

Section 1 Findings. The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this "Resolution"):

A. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Act") by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the "Agreement").

B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned by OJRSA.

C. In fulfilling this charge, the Commission has determined it is in the best interest of OJRSA to adopt a new OJRSA Sewer Use Regulation to substantially revise the prior Sewer Use Regulation, incorporating current regulatory criteria, policies, and protections for the OJRSA collection system and treatment works.

Section 2 Adoption. In accordance with the findings above, the Commission hereby adopts the OJRSA Sewer Use Regulation as set forth at Exhibit A.

Section 3 Effective Date. The OJRSA Sewer Use Regulation shall become effective at 12:01 am Local Time on October 1, 2023. All regulations or policies that are in conflict with the provisions of this Resolution are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

Done and adopted by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 11th day of September 2023.

_____

Brian Ramey, Chairman
OJRSA Board of Commissioners

Attest: _____

Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

_____

Larry Brandt, OJRSA Attorney

Date: _____

<Seal>

Exhibit A

Attached beginning on following page

RESOLUTION 2024-03

Adoption of Ethics Policy

A RESOLUTION ADOPTING A POLICY OF THE OCONEE JOINT REGIONAL SEWER AUTHORITY REGARDING ETHICS MATTERS; AND OTHER MATTERS RELATED THERETO.

NOW, THEREFORE, BE IT RESOLVED by the Oconee Joint Regional Sewer Authority Commission (the "Commission"), the governing body of the Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") in a meeting duly assembled as follows:

Section 1 Findings. The Commission hereby makes the following findings of fact in connection with the adoption of this resolution (this "Resolution"):

A. OJRSA was established pursuant to Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended (the "Act") by its three member-municipalities: the City of Seneca, the City of Walhalla, and the City of Westminster under the terms of an Intergovernmental Agreement dated October 31, 2007 (the "Agreement").

B. Pursuant to the Act and the Agreement, the Commission is tasked with the management and control over the joint regional sewer system owned by OJRSA.

C. In fulfilling this charge, the Commission has determined it is in the best interest of OJRSA to adopt a formal policy regarding certain ethical matters (the "Ethics Policy").

Section 2 Adoption. In accordance with the findings above, the Commission hereby adopts the Ethics Policy as set forth at Exhibit A.

Section 3 Effective Date. The Ethics Policy is effective immediately upon the adoption of this Resolution. All resolutions or policies (including former ethics policies) that are in conflict with the provisions of this Resolution or the Ethics Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

Done and adopted by the Oconee Joint Regional Sewer Authority Board of Commissioners, Seneca, South Carolina on this 11th day of September 2023.

_____ Attest: _____

Brian Ramey, Chairman
OJRSA Board of Commissioners

Lynn Stephens, Secretary/Treasurer
OJRSA Board of Commissioners -and-
OJRSA Office Manager

Approved as to form:

_____ Date: _____

Larry Brandt, OJRSA Attorney

Exhibit A

Attached beginning on following page

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DEFINITIONS, ACRONYMS, AND FORMAT

This Section of the *OJRSA Ethics Policy* contains definitions, acronyms, abbreviations, and formatting that are specific to this document.

DEFINITIONS

The following words, unless the context, custom or intent clearly indicates otherwise, shall mean:

Anything of Value has the meaning set forth in Section 8-13-100(1) of the Ethics Act or corresponding section of the Code of Laws of South Carolina.

Commission means the OJRSA, a public body politic and corporate of this State OJRSA. Individual representatives are each a Commissioner.

Conflict of Interest is an Economic Interest, direct or indirect, with any person or firm mentioned in SECTION 6.

Economic Interest means an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which Parties or an Immediate Family Member thereof may gain an economic benefit valued at such amount as set forth at Section 8-13-100(11)(a) of the Ethics Act or corresponding section of the Code of Laws of South Carolina.

Ethics Act means the Ethics, Government Accountability, and Reform Act of 1991 as codified at Section 8-13-100 et seq. of the Code of Laws of South Carolina 1976, as amended.

Executive Director means the Executive Director of Oconee Joint Regional Sewer Authority, South Carolina.

Immediate Family Member means a child residing in a Parties' household, the spouse of a Party, and/or an individual claimed by a Party to be a dependent for income tax purposes.

Income means Anything of Value that must be reported on an IRS form as income received.

Money means any coin, currency, notes, or assets, in liquid or non-liquid form, including all types of legal tender. Examples of liquid assets may include cash, stocks, bonds, certificates of deposit, shares, etc. Examples of non-liquid assets may include land, real estate investments, equipment, machinery, etc.

Party (or Parties) means the Commission, including all individual Commissioners, and the officers and employees of OJRSA.

Statement of Economic Interest has meaning set forth in the Ethics Act and is a public document that discloses an individual's sources of income.

ACRONYMS AND ABBREVIATIONS

§: Section
e.g.: Exempli Gratia, Latin for "for example"
et seq.: Et Sequentes, Latin for "and the following"
etc.: *Et Cetera*, Latin for "and other things"
OJRSA: Oconee Joint Regional Sewer Authority
SEI: Statement of Economic Interest
US: United States

DOCUMENT FORMAT

This manual contains fonts and styles that mean certain things, including points of emphasis or reference other sections or materials. Below is a list of the types used within this manual and what it represents when encountered in the *OJRSA Ethics Policy*.

BOLD RED CAPITAL LETTERS	Important point of emphasis
Dashed Underline	Name of a form to use for documenting a task referenced in the document
Italics	Title of books, manuals, and other documents

MIX-SIZED CAPITAL LETTERS	Name of sections or appendices in a book, manual, or other document
Underlined Italics	A note of caution or warning

SECTION 1 – DISCLAIMER AND ADOPTION

1.1 DISCLAIMER

THIS IS NOT A CONTRACT, EXPRESS OR IMPLIED.

1.2 ADOPTION

The *OJRSA Ethics Policy* ("Policy") shall become effective in accordance with OJRSA Resolution 2024-03. All resolutions or policies (including former ethics policies) that are in conflict with the provisions of this Resolution or Policy are hereby repealed to the extent of the conflict or inconsistency or in their entirety where the conflict or inconsistency is not severable from such document.

SECTION 2 – PURPOSE

The Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") is a "Joint Authority Water and Sewer System" as such term is used and defined in the Joint Authority Water and Sewer Systems Act, codified at Title 6, Chapter 25 of the Code of Laws of South Carolina 1976, as amended. As a public body politic and corporate of this State, OJRSA, acting through its nine (9) member governing body (each, a "Commissioner", and together, the "Commission"), officers, and employees have a responsibility to uphold Ethics, Government Accountability, and Reform Act of 1991 as codified at Section 8-13-100 et seq. of the Code of Laws of South Carolina 1976, as amended (the "Ethics Act"). Accordingly, the Commission has adopted this Ethics Policy for the purpose of requiring adherence with the Ethics Act and the disclosure of conflicts and protecting the overall interests of OJRSA. This Policy is intended to supplement, not replace, applicable state and federal laws governing conflicts of interest, ethics, and government accountability.

This Policy applies to the Commission, including all individual Commissioners, and the officers and employees of OJRSA (each a "Party" together the "Parties").

SECTION 3 – STATEMENTS OF ECONOMIC INTEREST

Parties are prohibited from accepting Anything of Value in exchange for performing their duties in a particular way.[1] This prohibition requires Parties to disclose sources of income in order to maintain transparency.

The Executive Director as the chief administrative employee must annually file a Statement of Economic Interest ("SEI") as set forth in the Ethics Act.[2] The SEI requires:

A. The disclosure of income and gifts (as required in Section 3(B) below), and
B. The disclosure of the source, type, and value of all Income received in a calendar year, including certain gifts valued at twenty-five US Dollars ($25) or more, or if in the aggregate the individual receives two hundred US Dollars ($200) worth of gifts from a person or source in a calendar year. A gift is reported only if it meets these

[1] Among other things, S.C. Code § 8-13-705(B) prohibits Parties from directly or indirectly receiving or agreeing to receive Anything of Value in exchange for influence in the discharge of a Party's official responsibilities.

[2] S.C. Code § 8-13-1110(B) sets forth individuals obligated to file Statements of Economic Interest. In regard to employees, the chief administrative official, the chief finance official, and the chief purchasing agent are required to file Statements of Economic Interest. Currently, the Executive Director holds each of these positions and accordingly is the only employee required to file a Statement of Economic Interest. The Commission is exempt from the filing in keeping with various unofficial opinions from the Ethics Commission that appointed, non-compensated, part-time positions are not required to file Statements of Economic Interest. A position is considered non-compensated regardless of an individual's receipt of per diems or expense reimbursements. If there is a change to the structure of OJRSA or an amendment to the applicable law, other Parties may be obligated to file Statements of Economic Interest.

value thresholds and it is given to an individual because of their position or because the giver is seeking to obtain a contractual relationship.

SECTION 4 – AREAS IN WHICH CONFLICT MAY ARISE

The Ethics Act expressly provides that Parties may not knowingly use their position to obtain an Economic Interest for themselves, a family member, or a business with which they are associated. This prohibition requires Parties to abstain from voting on or debating matters which could result in an Economic Interest.

Conflicts of Interest may arise in the relations of Parties and Immediate Family Members with any of the third parties listed below.

A. Persons and firms supplying goods and services to OJRSA;
B. Persons and firms receiving services from OJRSA;
C. Persons and firms from whom OJRSA leases property and equipment;
D. Persons and firms with whom OJRSA is dealing or planning to deal in connection with the gift, purchase, or sale of real estate, securities, or other property;
E. Competing or affinity organizations;
F. Donors and others supporting OJRSA;
G. Agencies, organizations, and associations which affect the operations of OJRSA; and
H. Family members, friends, and other employees.

SECTION 5 – NATURE OF CONFLICT

Instances in which an Economic Interest might create a Conflict of Interest include the following:

A. Owning stock or holding debt or other proprietary interests in any third party dealing with OJRSA;
B. Holding office, serving on the board, participating in management, or being otherwise employed (*or formerly employed*) with any third party dealing with OJRSA;
C. Receiving remuneration for services with respect to individual transactions involving OJRSA;
D. Using OJRSA's time, personnel, equipment, supplies, or good will for other than OJRSA-approved activities, programs, and purposes; and
E. Receiving personal gifts or loans from third parties dealing or competing with OJRSA. Receipt of any gift is disapproved except gifts of a value less than twenty-five dollars ($25), which could not be refused without discourtesy. *No personal gift of Money should ever be accepted*.

SECTION 6 – INTERPRETATION OF THIS ETHICS POLICY

Parties are covered by state ethics laws that prohibit public officials and employees from using their public position for personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family members, or business associates have an economic interest. The areas of conflicting interest listed in SECTION 4, and the relations in those areas which may give rise to a Conflict of Interest, as listed in SECTION 5, are examples of transactions that may be prohibited by state law and/or this Policy. These lists are not exhaustive. Conflicts of Interest might arise in other areas or through other relations and must be considered on an individual basis. Members, officers, and employees should identify potential Conflicts of Interest by analogy and submit a written disclosure pursuant to SECTION 7.

The fact that one of the interests described in SECTION 5 exists does not mean a Conflict of Interest exists, or that the Conflict of Interest, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances, it is adverse to the interests of OJRSA.

However, it is the policy of OJRSA that the existence of any of the interests described in SECTION 5 shall be disclosed in writing before any transaction is consummated. It shall be the continuing responsibility of Commissioners, officers, and employees to scrutinize their transactions and outside business interests and relationships for potential Conflicts of Interest and to immediately make such disclosure if a potential Conflict of Interest arises.

SECTION 7 – DUTY TO DISCLOSE AND DETERMINATION OF CONFLICT AND CORRECTIVE ACTION

THE EXECUTIVE DIRECTOR AND ALL COMMISSIONERS MUST ANNUALLY DISCLOSE THE NAME OF ANY ORGANIZATION THAT HAS OR REASONABLY EXPECTS TO HAVE ANY MATERIAL INTEREST IN ANY PROPOSED OR EXISTING CONTRACT, TRANSACTION, OR ARRANGEMENT WITH OJRSA AND IN WHICH THAT INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER IS A MEMBER, DIRECTOR, OFFICER, EMPLOYER, OR PARTNER BY SUBMITTING TO THE COMMISSION A OFFICER AND COMMISSIONERS STATEMENT OF DISCLOSURE, THE FORM OF WHICH IS ATTACHED AS EXHIBIT A, NO LATER THAN JANUARY 15 OF EACH CALENDAR YEAR, RECEIPT OF WHICH SHALL BE CONFIRMED BY THE SECRETARY/TREASURER OF THE BOARD. EVERYONE, EXCEPT THE EXECUTIVE DIRECTOR, SHALL SUBMIT THE DISCLOSURE TO THE EXECUTIVE DIRECTOR. THE EXECUTIVE DIRECTOR SHALL SUBMIT THE DISCLOSURE TO THE SECRETARY/TREASURER OF THE COMMISSION.

Should any potential Conflicts of Interest arise under SECTION 4 and SECTION 5 of this Policy after submission of the Parties and the Statement of Disclosure for the year, the Party with the potential Conflicts of Interest shall submit a new written disclosure as soon as practical after learning of the potential Conflicts of Interest in accordance with the procedures described in the prior paragraph.

Employees must disclose potential Conflicts of Interest arising under SECTION 4 and SECTION 5 of this Policy in writing by submitting the Employee Conflict of Interest Disclosure attached as EXHIBIT B to the Office Manager as soon as practical after learning of the potential Conflicts of Interest. The Office Manager should send the disclosure to the Executive Director for review, who should then share the disclosure with the Chair of the Commission.

ALL DISCLOSED POTENTIAL CONFLICTS OF INTEREST WILL BE CONSIDERED BY THE COMMISSION. At the meeting during which the potential Conflicts of Interest is considered, the Party making the disclosure shall have the opportunity to disclose all material facts associated with the potential Conflict of Interest. After disclosure of the financial interest and all material facts, and after any discussion with the Party, the Party making the disclosure will leave the Commission meeting while the potential Conflict of Interest is discussed by the Commission. The remaining Commissioners will decide if a Conflicts of Interest exists via affirmative vote.

If the Commission determines a Conflicts of Interest exists via majority vote of all Commissioners present, the Commission shall further consider whether the contemplated transaction may be authorized as just, fair, and reasonable to OJRSA. If not, the Commission must consider whether corrective action may be taken that would make the transaction just, fair, and reasonable to OJRSA. Subject to the provisions of SECTION 8, these corrective actions may include, but are not limited to, the recusal of the Commissioner from all discussions and decisions regarding the transaction, the reassignment of the matter to another employee, or the divestment of the economic interest by the Party. The determination as to whether a Conflict of Interest exists and, if so, the proper corrective measure to be taken is within the sole discretion of the Commission, subject to all applicable state and federal laws governing conflicts of interest, ethics, and government accountability. Should the Commission have questions as to the propriety of a course of action, it should consult legal counsel and/or the South Carolina State Ethics Commission.

SECTION 8 – APPROVED TRANSACTIONS FOLLOWING DETERMINATION OF CONFLICT

Following the determination of a Conflict of Interest per SECTION 7 above, transactions with the Party, or their Immediate Family Members, may be undertaken only if all the following are observed:

A. The conflicting interest is fully disclosed;
B. The Party with the Conflict of Interest is excluded from the discussion and approval of such transaction; and
C. The Commission has determined that the transaction is in the best interest of the organization per SECTION 7.

SECTION 9 – RECORDS OF PROCEEDINGS

The minutes of the Commission shall contain:

A. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible Conflict of Interest, the nature of the financial interest, any action taken to determine whether a conflict of Interest was present, and the Commission's decision as to whether a Conflicts of Interest in fact existed; and
B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

SECTION 10 – VIOLATIONS OF THE POLICY

If the Commission has reasonable cause to believe a person subject to this Policy has failed to disclose a Conflict of Interest, it shall inform such person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose.

If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Commission determines the member has failed to disclose a Conflict of Interest, the Commission, or the Executive Director, as applicable based upon OJRSA's organizational responsibilities, shall take appropriate disciplinary and corrective action.

SECTION 11 – POLICY ACKNOWLEDGMENT

All Parties shall be required to sign the Acknowledgement of Receipt of Ethics Policy attached hereto as EXHIBIT C, affirming such person:

A. Has received a copy of this Policy,
B. Has read and understands this Policy, and
C. Has agreed to comply with this Policy.

EXHIBIT A

Officer and Commissioners Statement of Disclosure

The Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") seeks to avoid any conflict of interest in its operations and, where possible, to avoid even the appearance of a conflict. Commissioners of Oconee Joint Regional Sewer Authority Commission ("Commissioners") and its Executive Director will not participate in any decision that benefits them, a member of their immediate family, or any organization with which the individual has a formal relationship as prohibited in the *OJRSA Ethics Policy* adopted on September 11, 2023 (the "Ethics Policy").

Pursuant to the Ethics Policy, Commissioners and officers must disclose the name of each entity that has or reasonably expects to have any Economic Interest (as defined in the Ethics Policy) in any proposed or existing contract, transaction, or arrangement with OJRSA and in which that individual, that individual's spouse, or any member of that individual's immediate family is a member, director, officer, employer, or partner no later than January 15 of each calendar year. Commissioners and officers must disclose any subsequently arising potential conflicts as soon as practical after learning of the potential conflict.

Based on terms of the *OJRSA Ethics Policy*, *initial* the statement that is applicable to you:

_____ I am not aware of any direct or indirect financial or other Economic Interest that is required to be disclosed under the *OJRSA Ethics Policy*.

_____ I have described in the space below or attached a letter of every direct or indirect Economic Interest that is required to be disclosed under the *OJRSA Ethics Policy*.

_____

_____

_____

_____

_____

_____

_____
Signature

_____
Print Name

_____
Date

EXHIBIT B

Employee Conflict of Interest Disclosure

The Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA") has adopted the *OJRSA Ethics Policy* ("Ethics Policy") because it seeks to avoid conflicts of interest and, where possible, the appearance of a conflict of interest. Employees must, therefore, disclose any potential conflicts arising under the Ethics Policy, including but not limited to direct and indirect financial interests in transactions between a third party and OJRSA, as soon as practical after learning of the potential conflict. This form is to be used for the purpose of making such disclosure.

In the space below or on attached letter, describe the potential conflict arising under the *OJRSA Ethics Policy*. To the extent possible, include all material facts. Upon completion, submit this form to the OJRSA Office Manager. You will be notified of the meeting during which the Oconee Joint Regional Sewer Authority Commission, as the governing body of OJRSA, will consider the potential conflict, at which time you will be given the opportunity to present additional information and to answer any questions the Commission may have.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
Signature

_____
Print Name

_____
Date

EXHIBIT C

Acknowledgment of Receipt of Ethics Policy

I am a Commissioner of the Oconee Joint Regional Sewer Authority Commission, an officer Oconee Joint Regional Sewer Authority, South Carolina ("OJRSA"), and/or an employee of OJRSA and my signature on this form acknowledges receipt of a copy of *OJRSA Ethics Policy* ("Ethics Policy") and acknowledges further that I have read and understand the Ethics Policy and agree to abide by the Ethics Policy at all times and in all respects.

Check the appropriate box(es) regarding your affiliation with the OJRSA:

☐ Commissioner

☐ Officer (e.g., Board Chair, Secretary/Treasurer, etc.)

☐ Employee

_____
Signature

_____
Print Name

_____
Date

REVISION HISTORY

This and previous editions must be maintained in accordance with the *OJRSA Records Retention Policy*.

Table 1: OJRSA Ethics Policy *revision history*

Revision Number	Date	Description of Changes
0000	09/11/2023	Initial issue of comprehensive *OJRSA Ethics Policy* by *OJRSA Resolution 2024-03*

Piedmont Municipal Power Agency
121 Village Drive • Greer, SC 29651
Board of Directors Meeting
September 21, 2023
10:00 a.m.

1. Call to Order; Roll Call for Virtual Attendees, Invocation; Declaration of Quorum
2. Swearing-in of new Board members
3. Approval of Minutes
   August 24, 2023
4. Acceptance of Financial Report
   August 2023
5. Reports
   a. Engineering
   b. Catawba
   c. Finance
   d. Legislative
   e. Management
6. Action Items
   a. Discuss rescheduling the December 21, 2023, Board Meeting
7. Executive Session
   a. Legal advice concerning potential claims involving the General Bond Resolution
8. Action to be taken based on discussion in Executive Session
9. Participant Discussion and Other Business
10. Adjourn

Blake Stone, Chairman

Upcoming Meetings

PMPA Board Meetings
November 16 • December 21

PMPA Planning Meeting
October 25-27

Catawba Owners Group Meetings

Quarterly
December 14

Board of Directors Meeting
Piedmont Municipal Power Agency

August 24, 2023
Greer, South Carolina

VOTING DIRECTORS PRESENT:	Blake Stone	Abbeville
	Tom Brooks	Clinton
	Andy Sevic	Easley
	Donnie Hardin	Gaffney
	Mike Richard	Greer
	John Young	Laurens
	Tim Baker	Newberry
	Jimmy Bagley	Rock Hill
	Joe Nichols	Union
	Kevin Bronson	Westminster
OTHERS:	Tim Hall	Abbeville
	Ronnie Roth	Clinton
	Cory Cox	Gaffney
	Marc Regier	Greer
	Keith Wood	Laurens
	David Vehaun	Rock Hill
	Lance Davis	Union
	Brian Ramey	Westminster
	Reagan Osbon	Westminster
	Joel Ledbetter	PMPA
	Tracy Quinn	PMPA
	JulieAnne London	PMPA
	Scotty Griffin	PMPA
	Will Blanton	PMPA
	Kenny Bradley	PMPA
	Mike Frazier	PMPA
	Dennis Cameron	PMPA
	Gary Brunault	GDS Associates, Inc.
	Rion Foley	Burr Forman
	Dawn Brewer	Smoak Public Relations
	Anna Zelenski	Smoak Public Relations
	Andrea Kelley *	The Seneca Journal

* Virtual Attendance

Call to Order

Chairman Stone called the meeting to order, and Mr. Baker gave the invocation.

Approval of Minutes

A motion was made by Mr. Young, seconded by Mr. Brooks, to approve the Minutes of May 18, 2023, as submitted.
Motion approved.

Financial Report

A motion was made by Mr. Bronson, seconded by Mr. Sevic, to accept as submitted the Financial Reports for May, June, and July 2023.
Motion approved.

Reports

Engineering

The standard engineering reports for May, June, and July were included in the agenda packet. Mr. Frazier reviewed the July reports.

Mr. Frazier stated that the Board should have received a letter from SEPA advising that SEPA encourages everyone to pay electronically.

Mr. Frazier mentioned in preparation for the 2024 Budget that PMPA is not planning to include Tantalus equipment next year. He suggested that anyone needing equipment gets those orders in soon.

Mr. Frazier advised the Board that PMPA had hosted a phone system for several members, including Clinton, Easley, Union, and Westminster. That system required upgrades, and after discussions with those Members, it was decided as a group not to continue with that phone system. Discontinuing that phone system will result in savings to PMPA of approximately $118,000 per year. He also noted that the new phone system for PMPA would be about $7,000 per year.

Mr. Frazier also advised the Board that Duke Energy had contacted him inquiring about load-shedding capabilities. Mr. Frazier and Mr. Ledbetter encouraged the Board to be thinking about load-shedding plans.

Catawba

The Catawba and McGuire report was included in the agenda packet.

Mr. Cameron reviewed the status of the Catawba and McGuire units, Duke Energy's recent Integrated Resource Plan (IRP) filed with the South Carolina Public Service Commission (PSC), and the responses that Duke Energy submitted regarding the EPA proposed greenhouse gas reduction regulations.

Finance

Ms. London reviewed the most recent Fitch Rating included in the agenda packet. Fitch has advised that the factors for revising the outlook from stable to negative were weakening credit fundamentals for some of the PMPA Members and the outstanding litigation still pending.

Legislative

Chairman Stone recognized Mr. Griffin for the work that he has done at PMPA for the past 28 years and congratulated him on his upcoming retirement.

Mr. Griffin thanked the Board for their support over the past years.

Mr. Griffin advised the Board of current legislative issues. He also advised the Board that in June of this year, the ORS and DHEC convened and organized a meeting of stakeholders to discuss the carbon emissions reduction. PMPA staff participated in these meetings.

Management
Mr. Ledbetter reviewed several comments that APPA filed regarding the carbon emissions reduction discussions.

Mr. Ledbetter reviewed the 2023 Power Conference Evaluations.

Mr. Ledbetter asked if anyone was interested in a tour of Catawba for their Board or Council to reach out to him or Mr. Cameron.

Mr. Ledbetter also mentioned the upcoming Planning Meeting in October and asked the Board to let him know if there were specific items they wanted discussed at the meeting. He also stated that an agenda and presentations would be provided before the meeting.

Appointment of Board Secretary

A motion was made by Mr. Young, seconded by Mr. Bagley, to appoint Joel Ledbetter as Secretary to the Board.
Motion approved.

Approval of policy for industrial site certification program assistance

A memo and a draft policy were included in the agenda packet regarding the industrial site certification assistance offered by PMPA to Members.

The SC Department of Commerce's Industrial Site Certification Program is called Palmetto Sites. Mr. Brooks suggested not using the name in the Policy in the event the program changed names in the future, and to have the policy to automatically be modified to comply with any future changes to the SCDOC Industrial Site Certification Program. Mr. Ledbetter stated he would make the suggested changes to the draft policy.

A motion was made by Mr. Brooks, seconded by Mr. Bagley, to accept the policy with the suggested changes.
Motion approved.

Resolution 23-02 Approval of Transmission Service Agreement

Mr. Frazier discussed Resolution 23-02, which was included in the agenda packet.

A motion was made by Mr. Hardin, seconded by Mr. Bagley, to adopt Resolution 23-02 authorizing the General Manager to execute a service agreement for non-firm point-to-point transmission service and a service agreement for firm point-to-point transmission service with Duke Energy Carolinas, LLC (copy attached).
Motion approved.

Approve date and location of the 2026 Power Conference

Mr. Ledbetter advised the Board that Kingston Plantation is available for the Power Conference on July 9 – 12, 2026.

A motion was made by Mr. Brooks, seconded by Mr. Bagley, to contract with Kingston Planation for the July 9 – 12, 2026 dates.
Motion approved.

Executive Session

A motion was made by Mr. Young, seconded by Mr. Brooks, to enter into Executive Session.
Motion approved.

A motion was made by Mr. Nichols, seconded by Mr. Bagley, to exit Executive Session.
Motion approved.

No action was taken in Executive Session.

Estimation of Fair Market Value of PMPA's Catawba Nuclear Asset

A motion was made by Mr. Bagley, seconded by Mr. Brooks, to allow the General Manager to negotiate an agreement with one of the top two firms that provided proposals to perform the Fair Market Value analysis for Catawba as discussed in the Executive Session.

Mr. Bronson asked that the names of those top two firms be part of the record. The two firms are Sargent & Lundy and Burns & McDonnell (1898 & Co.)
Motion approved.

Participant Discussion and Other Business

Mr. Regier reminded the Board that the SC governor's PowerSC task force was meeting later in the day and could be viewed online.

Mr. Brooks recently attended a South Carolina Economic Developers' Association meeting and commented that PMPA needed to be involved in some of their discussions. They didn't know who PMPA was, and Mr. Brooks suggested reaching out to them.

Mr. Bagley thanked Mr. Griffin for his years of service at PMPA.

Mr. Vehaun asked that the Board consider changing the December Board Meeting, so it is not so close to Christmas. Mr. Ledbetter stated that it would be included on the September agenda.

Adjournment

There being no further business, the meeting was adjourned.

Respectfully submitted,

Joel D. Ledbetter
General Manager
Secretary

PIEDMONT MUNICIPAL POWER AGENCY

FINANCIAL SUMMARY
AS OF AUGUST 31, 2023

After this month's operations, PMPA had $66,778,971 in unrestricted cash, which equates to 190 days of cash on hand.

Major deviations from the budget were:

Month-to-Date

- Working Capital decreased by $2.4 million, which was a $1.2 million improvement over the budgeted decrease.
- Participant Revenues were under budget by $408 thousand due to the removal of the large Gaffney customer.
- Supplemental Purchases were under budget by $485 thousand due to lower energy needs than budgeted.
- Capital Additions - Catawba were under budget by $1.1 million due to the timing of project implementations and payments to suppliers. Duke does expect capital expenditures to finish on budget by year-end. Still, we expect to be under budget for 2023, as spending in the fourth quarter will not be reflected in our financial results until the first quarter of 2024.

Year-to-Date

- Working Capital decreased by $1.3 million, which was a $9 million improvement over the budgeted decrease.
- Participant Revenues were under budget by $8.7 million due to the removal of the large Gaffney customer and lower energy requirements due to cooler temperatures through June. The unfavorability was partially offset by Surplus Sales being $1.7 million over budget due to more energy available to sell as surplus this year.
- Interest Income was under budget by $468 thousand due to underperformance, primarily in our shorter-term investments compared to the budget.
- Catawba Operating Expenses were under budget by $3.4 million due to the timing of expenses, Duke fuel estimate adjustments in May, and O&M and benefit true-ups Duke made at year-end. Duke does expect operating expenses to finish on budget by year-end. Still, we expect to be under budget for 2023, as spending in the fourth quarter will not be reflected in our financial results until the first quarter of 2024.
- Supplemental Purchases were under budget by $9.7 million due to lower energy needs than budgeted.
- Capital Additions - Catawba were under budget by $2.6 million due to the timing of project implementations and payments to suppliers. Duke does expect capital expenditures to finish on budget by year-end. Still, we expect to be under budget for 2023, as spending in the fourth quarter will not be reflected in our financial results until the first quarter of 2024.
- Capital Additions - Transmission were under budget by $1.1 million due to the timing of capital spending related to the Laurens Transmission Line project.

(In Millions)	August Variance			YTD Variances		
	$	%		$	%	
Working Capital	1.19	33.0%	●	8.95	87.4%	●
Participant Revenues	(0.41)	-1.9%	♦	(8.73)	-5.5%	■
Surplus Sales	0.11	71.2%	●	1.73	99.5%	●
Miscellaneous Income/Expense	(0.14)	-26.9%	■	0.40	9.7%	●
Interest Income	(0.08)	-14.7%	■	(0.47)	-12.7%	■
Catawba Operating Expenses	(0.25)	-3.5%	■	3.35	7.5%	●
Supplemental Purchases	0.49	7.6%	●	9.65	24.1%	●
Catawba Capital Additions	1.08	31.3%	●	2.60	12.9%	●
PMPA Capital Additions	0.30	100.0%	●	1.21	93.9%	●
Other	0.11	1.3%	♦	(0.80)	-1.3%	♦

Variance Key	
Favorable >2%	●
Near Budget +/- 2%	♦
Unfavorable < 2%	■

PIEDMONT MUNICIPAL POWER AGENCY
COMPARATIVE STATEMENT OF NET POSITION
AS OF AUGUST 31, 2023
(DOLLARS IN THOUSANDS)

	LAST MONTH	INCREASE	DECREASE	THIS MONTH
ASSETS				
CAPITAL ASSETS, NET:				
Generation	$342,941	$0	$737	$342,204
Transmission	4,305	0	12	4,293
LDMS/SCADA	266	0	13	253
General	416	0	5	411
Nuclear Fuel - In Stock And Progress	15,828	0	337	15,491
Nuclear Fuel - In Reactor	24,553	0	1,201	23,352
Construction in Progress	28,403	2,363	0	30,766
TOTAL CAPITAL ASSETS, NET	**416,712**	**58**	**0**	**416,770**
CURRENT UNRESTRICTED ASSETS:				
Cash And Markable Debt Securities (W/C)	68,075	0	1,297	66,778
Revenue Fund Valuation	(7)	0	0	(7)
Fuel	3,831	1,537	0	5,368
Participants Accounts Receivable (W/C)	19,923	0	62	19,861
Other Accounts Receivable (W/C)	164	15	0	179
Materials & Supplies	19,700	0	74	19,626
TOTAL CURRENT UNRESTRICTED ASSETS	**111,686**	**119**	**0**	**111,805**
CURRENT RESTRICTED ASSETS:				
Debt Service	39,576	7,169	0	46,745
Debt Service Reserve	47,671	0	0	47,671
Reserve and Contingency	4,767	0	0	4,767
Decommissioning	124,713	868	0	125,581
Supplemental Power Reserve	1,600	0	0	1,600
Restricted Funds Valuation	(8,841)	0	0	(8,841)
TOTAL CURRENT RESTRICTED ASSETS	**209,486**	**8,037**	**0**	**217,523**
TOTAL CURRENT ASSETS	**321,172**	**8,156**	**0**	**329,328**
NON CURRENT ASSETS:				
Net Costs Recoverable From Future Participants Billings	299,300	0	3,881	295,419
Other	39	0	3	36
TOTAL NON CURRENT ASSETS	**299,339**	**0**	**3,884**	**295,455**
TOTAL ASSETS	**$1,037,223**	**$4,330**	**$0**	**$1,041,553**
DEFERRED OUTFLOWS:				
Redemption Loss	$5,272	$0	$69	$5,203
Losses On Advanced Refunding Of Debt, Net	8,162	0	284	7,878
Postemployment Benefits	463	0	0	463
TOTAL DEFERRED OUTFLOWS	**$13,897**	**$0**	**$353**	**$13,544**

PIEDMONT MUNICIPAL POWER AGENCY
COMPARATIVE STATEMENT OF NET POSITION
AS OF AUGUST 31, 2023
(DOLLARS IN THOUSANDS)

	LAST MONTH	INCREASE	DECREASE	THIS MONTH
LIABILITIES				
LONG-TERM LIABILITIES:				
Bonds - Including Current Installment	$452,135	$0	$0	$452,135
Bond Discounts	(103)	4	0	(99)
Bond Premium	48,742	0	764	47,978
CAB	86,861	0	0	86,861
Reserve For Decommissioning	148,258	610	0	148,868
Accrued Expense OPEB	2,123	0	0	2,123
TOTAL LONG-TERM LIABILITIES	**738,016**	**0**	**150**	**737,866**
CURRENT LIABILITIES:				
Accounts Payable - General (W/C)	0	0	0	0
Accounts Payable - Duke (W/C)	803	0	1	802
Accounts Payable - Other (W/C)	2,988	361	0	3,349
Accrued Expenses - Payroll (W/C)	0	0	0	0
Accrued Expenses - Vacation (W/C)	124	0	0	124
Accrued Expenses - Sick (W/C)	237	0	0	237
Accrued Expenses - Property Taxes (W/C)	4,905	701	0	5,606
Accrued Interest Payable	168,976	3,012	0	171,988
TOTAL CURRENT LIABILITIES	**178,033**	**4,073**	**0**	**182,106**
TOTAL LIABILITIES	**$916,049**	**$3,923**	**$0**	**$919,972**
NET POSITION				
Net Investments In Capital Assets	($162,761)	$534	$0	($162,227)
Restricted For Other	1,600	0	0	1,600
Unrestricted	296,232	0	480	295,752
TOTAL NET POSITION	**$135,071**	**$54**	**$0**	**$135,125**
INFORMATIONAL PURPOSES:				
Working Capital	$79,105	$0	$2,405	$76,700

PIEDMONT MUNICIPAL POWER AGENCY
STATEMENT OF OPERATIONS
AS OF AUGUST 31, 2023

	CURRENT MONTH			
	ACTUAL	BUDGET	OVER(UNDER)	%
OPERATING REVENUE				
Participants-Catawba	$17,616,972.73	$14,833,000.00	$2,783,972.73	18.8%
-Supplemental	3,490,325.63	6,682,000.00	(3,191,674.37)	(47.8%)
Duke-Catawba	1,077,948.48	1,070,000.00	7,948.48	0.7%
Other-Catawba Surplus	253,343.80	148,000.00	105,343.80	71.2%
TOTAL	**22,438,590.64**	**22,733,000.00**	**(294,409.36)**	**(1.3%)**
OPERATING EXPENSES				
Operating Expenses-Catawba	8,542,832.80	8,274,000.00	268,832.80	3.2%
-Supplemental	5,900,573.00	6,386,000.00	(485,427.00)	(7.6%)
Depreciation/Amortization/Accretion	1,378,101.64	1,352,000.00	26,101.64	1.9%
TOTAL	**15,821,507.44**	**16,012,000.00**	**(190,492.56)**	**(1.2%)**
Operating Income	**6,617,083.20**	**6,721,000.00**	**(103,916.80)**	**(1.5%)**
OTHER INCOME(EXPENSE)				
Interest Income	582,594.80	656,000.00	(73,405.20)	(11.2%)
Net Increase(Decrease) in FMV Investments	0.00	0.00	0.00	0.0%
Miscellaneous Income(Expense)	(657,158.70)	(518,000.00)	(139,158.70)	26.9%
Interest Expense & Amortization	(2,605,305.68)	(2,606,000.00)	694.32	0.0%
TOTAL	(2,679,869.58)	(2,468,000.00)	(211,869.58)	8.6%
Net Income(Loss) Before Deferrals	**3,937,213.62**	**4,253,000.00**	**(315,786.38)**	**(7.4%)**
Net Credits (Charges) recoverable from Future	(3,881,176.37)	(3,880,000.00)	(1,176.37)	0.0%
Net Income(Loss)	**56,037.25**	**373,000.00**	**(316,962.75)**	**(85.0%)**
Add back non-cash items:				
Depreciation/Amortization/Accretion	1,378,101.64	1,352,000.00	26,101.64	1.9%
Net Increase(Decr) in FMV Investments	0.00	0.00	0.00	0.0%
Interest Expense & Amortization	2,605,305.68	2,606,000.00	(694.32)	0.0%
Net (Credits) Charges recoverable from Futr	3,881,176.37	3,880,000.00	1,176.37	0.0%
Funds Available from Operations	7,920,620.94	8,211,000.00	(290,379.06)	(3.5%)
Deposits made to:				
Debt Service-Principal	4,340,506.16	4,341,000.00	(493.84)	0.0%
-Interest	2,829,143.74	2,829,000.00	143.74	0.0%
Reserve & Contingency	716,964.99	717,000.00	(35.01)	0.0%
Decommissioning	868,132.41	857,000.00	11,132.41	1.3%
Inventory	(73,876.22)	40,000.00	(113,876.22)	(284.7%)
Supplemental Reserve	7,300.59	5,000.00	2,300.59	46.0%
Payments made for:				
BSF Principal-Refd Bonds	0.00	0.00	0.00	0.0%
Debt Issuance Costs/Defc Trans	0.00	0.00	0.00	0.0%
Capital Additions Generation	2,362,474.07	3,441,000.00	(1,078,525.93)	(31.3%)
Capital Additions Transmission	0.00	285,000.00	(285,000.00)	(100.0%)
Capital Additions LDMSS/SCADA	0.00	10,000.00	(10,000.00)	(100.0%)
Capital Additions General	0.00	1,000.00	(1,000.00)	(100.0%)
Total Deposits and Payments	11,050,645.74	12,526,000.00	(1,475,354.26)	(11.8%)
Transfers(To) From:				
Bond Proceeds	0.00	0.00	0.00	0.0%
Reserve & Contingency	716,964.99	717,000.00	(35.01)	0.0%
Construction Account-Capital Additions	0.00	0.00	0.00	0.0%
Supplemental Reserve	7,300.59	5,000.00	2,300.59	46.0%
DSR Release/Special Transfers	0.00	0.00	0.00	0.0%
INCREMENTAL INCR(DECR) IN WORKING CAP	**($2,405,759.22)**	**($3,593,000.00)**	**$1,187,240.78**	**(33.0%)**

PIEDMONT MUNICIPAL POWER AGENCY
STATEMENT OF OPERATIONS
AS OF AUGUST 31, 2023

	YEAR TO DATE			
	ACTUAL	BUDGET	OVER(UNDER)	%
OPERATING REVENUE				
Participants-Catawba	$120,090,749.76	$116,480,000.00	$3,610,749.76	3.1%
-Supplemental	28,995,198.80	41,335,000.00	(12,339,801.20)	(29.9%)
Duke-Catawba	6,886,391.51	8,393,000.00	(1,506,608.49)	(18.0%)
Other-Catawba Surplus	3,474,883.13	1,742,000.00	1,732,883.13	99.5%
TOTAL	**159,447,223.20**	**167,950,000.00**	**(8,502,776.80)**	**(5.1%)**
OPERATING EXPENSES				
Operating Expenses-Catawba	48,765,727.11	52,784,000.00	(4,018,272.89)	(7.6%)
-Supplemental	30,395,725.25	40,047,000.00	(9,651,274.75)	(24.1%)
Depreciation/Amortization/Accretion	11,279,650.79	10,821,000.00	458,650.79	4.2%
TOTAL	**90,441,103.15**	**103,652,000.00**	**(13,210,896.85)**	**(12.7%)**
Operating Income	**69,006,120.05**	**64,298,000.00**	**4,708,120.05**	**7.3%**
OTHER INCOME(EXPENSE)				
Interest Income	3,911,220.97	4,357,000.00	(445,779.03)	(10.2%)
Net Increase(Decrease) in FMV Investments	1,005,367.23	0.00	1,005,367.23	0.0%
Miscellaneous Income(Expense)	(3,741,664.56)	(4,144,000.00)	402,335.44	(9.7%)
Interest Expense & Amortization	(20,333,842.14)	(20,339,000.00)	5,157.86	0.0%
TOTAL	(19,158,918.50)	(20,126,000.00)	967,081.50	(4.8%)
Net Income(Loss) Before Deferrals	**49,847,201.55**	**44,172,000.00**	**5,675,201.55**	**12.8%**
Net Credits (Charges) recoverable from Future	(31,196,625.78)	(31,245,000.00)	48,374.22	(0.2%)
Net Income(Loss)	**18,650,575.77**	**12,927,000.00**	**5,723,575.77**	**44.3%**
Add back non-cash items:				
Depreciation/Amortization/Accretion	11,279,650.79	10,821,000.00	458,650.79	4.2%
Net Increase(Decr) in FMV Investments	(1,005,367.23)	0.00	(1,005,367.23)	0.0%
Interest Expense & Amortization	20,333,842.14	20,339,000.00	(5,157.86)	0.0%
Net (Credits) Charges recoverable from Futr	31,196,625.78	31,245,000.00	(48,374.22)	(0.2%)
Funds Available from Operations	80,455,327.25	75,332,000.00	5,123,327.25	6.8%
Deposits made to:				
Debt Service-Principal	34,724,049.28	34,725,000.00	(950.72)	0.0%
-Interest	22,325,570.40	22,325,000.00	570.40	0.0%
Reserve & Contingency	5,735,719.93	5,705,000.00	30,719.93	0.5%
Decommissioning	6,850,765.85	6,826,000.00	24,765.85	0.4%
Inventory	240,429.96	286,000.00	(45,570.04)	(15.9%)
Duke Working Fund	0.00	0.00	0.00	0.0%
Supplemental Reserve	51,413.95	40,000.00	11,413.95	28.5%
Payments made for:				
BSF Principal-Refd Bonds	0.00	0.00	0.00	0.0%
Debt Issuance Costs/Defc. Trans	0.00	0.00	0.00	0.0%
Capital Additions Generation	17,531,431.91	20,131,000.00	(2,599,568.09)	(12.9%)
Capital Additions Transmission	33,005.20	1,149,000.00	(1,115,994.80)	(97.1%)
Capital Additions LDMSS/SCADA	0.00	90,000.00	(90,000.00)	(100.0%)
Capital Additions General	45,864.45	49,000.00	(3,135.55)	(6.4%)
Total Deposits and Payments	87,538,250.93	91,326,000.00	(3,787,749.07)	(4.1%)
Transfers(To) From:				
Bond Proceeds	0.00	0.00	0.00	0.0%
Reserve & Contingency	5,735,719.93	5,705,000.00	30,719.93	0.5%
Construction Account- Capital Additions	0.00	0.00	0.00	0.0%
Supplemental Reserve	51,413.95	40,000.00	11,413.95	28.5%
DSR Release/Special Transfers	0.00	0.00	0.00	0.0%
INCREMENTAL INCR(DECR) IN WORKING CAP	**($1,295,789.80)**	**($10,249,000.00)**	**$8,953,210.20**	**(87.4%)**

PIEDMONT MUNICIPAL POWER AGENCY

FINANCIAL SUMMARY

AS OF AUGUST 31, 2023

	CURRENT MONTH			YEAR TO DATE		
	ACTUAL	BUDGET	OVER/(UNDER)	ACTUAL	BUDGET	OVER/(UNDER)
FUNDS AVAILABLE						
Revenue:						
Participants	$ 21,107,298.36	$ 21,515,000.00	$ (407,701.64)	$ 149,085,948.56	$ 157,815,000.00	$ (8,729,051.44)
McGuire Exchange	1,077,948.48	1,070,000.00	7,948.48	6,886,391.51	8,393,000.00	(1,506,608.49)
Surplus Sales	253,343.80	148,000.00	105,343.80	3,474,883.13	1,742,000.00	1,732,883.13
Non Operating Income	4,488.15	-	4,488.15	183,606.30	-	183,606.30
Interest Income:	484,237.55	568,000.00	(83,762.45)	3,218,656.40	3,687,000.00	(468,343.60)
Other Available Funds:						
Bond Proceeds	-	-	-	-	-	-
Construction Account	-	-	-	-	-	-
DSR Release/Special Transfers	-	-	-	-	-	-
	$ 22,927,316.34	$ 23,301,000.00	$ (373,683.66)	$ 162,849,485.90	$ 171,637,000.00	$ (8,787,514.10)
FUNDS USED						
Operating Expense:						
Catawba	$ 7,409,661.84	$ 7,156,000.00	$ 253,661.84	$ 41,186,279.04	$ 44,539,000.00	$ (3,352,720.96)
Supplemental Purchases	5,900,573.00	6,386,000.00	(485,427.00)	30,395,725.25	40,047,000.00	(9,651,274.75)
McGuire Exchange	1,133,170.96	1,118,000.00	15,170.96	7,579,448.07	8,245,000.00	(665,551.93)
Non Operating Expense:	661,646.85	518,000.00	143,646.85	3,925,270.86	4,144,000.00	(218,729.14)
Capital Uses:						
Debt Service	7,169,649.90	7,170,000.00	(350.10)	57,049,619.68	57,050,000.00	(380.32)
Decommissioning Deposits	769,775.16	769,000.00	775.16	6,158,201.28	6,156,000.00	2,201.28
Debt Issuance	-	-	-	-	-	-
Capital Additions-Catawba	2,362,474.07	3,441,000.00	(1,078,525.93)	17,531,431.91	20,131,000.00	(2,599,568.09)
Capital Additions-Transmission	-	285,000.00	(285,000.00)	33,005.20	1,149,000.00	(1,115,994.80)
Capital Additions-LDMSS/SCADA	-	10,000.00	(10,000.00)	-	90,000.00	(90,000.00)
Capital Additions-General	-	1,000.00	(1,000.00)	45,864.45	49,000.00	(3,135.55)
Inventory	(73,876.22)	40,000.00	(113,876.22)	240,429.96	286,000.00	(45,570.04)
Other Funds - Defeasance Trans.	-	-	-	-	-	-
PMPA Working Capital	(2,405,759.22)	(3,593,000.00)	1,187,240.78	(1,295,789.80)	(10,249,000.00)	8,953,210.20
	$ 22,927,316.34	$ 23,301,000.00	$ (373,683.66)	$ 162,849,485.90	$ 171,637,000.00	$ (8,787,514.10)

Note: Line 5 does not include interest income for the decommisioning fund; this interest is retained in the accounts to be applied for future expenses.

PIEDMONT MUNICIPAL POWER AGENCY

FINANCIAL SUMMARY

AS OF AUGUST 31, 2023

YEAR TO DATE	PRIOR YEAR TO DATE		12 MONTH ENDING AUGUST, 2023	12 MONTH ENDING AUGUST, 2022	OVER/(UNDER)	%
		FUNDS AVAILABLE				
		Revenue:				
$ 149,085,948.56	$ 149,053,259.39	Participants	$ 217,232,487.05	$ 210,042,761.26	$ 7,189,725.79	3.4%
6,886,391.51	7,667,840.63	McGuire Exchange	10,194,013.62	11,610,462.43	(1,416,448.81)	-12.2%
3,474,883.13	6,580,423.96	Surplus Sales	7,547,796.79	10,509,493.25	(2,961,696.46)	-28.2%
183,606.30	40,645.10	Non Operating Income	201,431.82	323,026.93	(121,595.11)	-37.6%
3,218,656.40	605,431.25	Interest Income:	4,710,739.12	776,425.67	3,934,313.45	506.7%
		Other Available Funds:				
-	-	Bond Proceeds	-	369,039,681.30	(369,039,681.30)	-100.0%
-	-	Construction Account	-	-	-	0.0%
-	(169,043.65)	DSR Release/Special Transfers	355,935.80	5,601,201.37	(5,245,265.57)	-93.6%
$ 162,849,485.90	$ 163,778,556.68		$ 240,242,404.20	$ 607,903,052.21	$ (367,660,648.01)	-60.5%
		FUNDS USED				
		Operating Expense:				
$ 41,186,279.04	$ 39,133,527.95	Catawba	$ 62,828,842.21	$ 57,206,041.13	$ 5,622,801.08	9.8%
30,395,725.25	38,205,106.03	Supplemental Purchases	47,658,253.98	51,558,146.27	(3,899,892.29)	-7.6%
7,579,448.07	7,442,901.95	McGuire Exchange	11,898,895.53	11,370,284.03	528,611.50	4.6%
3,925,270.86	3,542,386.16	Non Operating Expense:	7,081,715.26	6,863,666.28	218,048.98	3.2%
		Capital Uses:				
57,049,619.68	54,223,965.43	Debt Service	90,972,643.26	82,618,758.12	8,353,885.14	10.1%
6,158,201.28	5,768,310.15	Decommissioning Deposits	9,042,368.28	8,702,090.34	340,277.94	3.9%
-	-	Debt Issuance	-	370,920,000.00	(370,920,000.00)	-100.0%
17,531,431.91	8,401,786.87	Capital Additions-Catawba	23,951,792.17	10,402,701.75	13,549,090.42	130.2%
33,005.20	2,999.62	Capital Additions-Transmission	65,424.20	3,877.12	61,547.08	1587.4%
-	16,207.24	Capital Additions-LDMSS/SCADA	(675,192.96)	16,207.24	(691,400.20)	-4266.0%
45,864.45	29,579.86	Capital Additions-General	45,864.45	38,034.20	7,830.25	20.6%
240,429.96	(12,131.78)	Inventory	(31,898.33)	342,649.97	(374,548.30)	-109.3%
-	-	Other Funds - Defeasance Trans.	-	-	-	0.0%
(1,295,789.80)	7,023,917.20	PMPA Working Capital	(12,596,303.85)	7,860,595.76	(20,456,899.61)	-260.2%
$ 162,849,485.90	$ 163,778,556.68		$ 240,242,404.20	$ 607,903,052.21	$ (367,660,648.01)	-60.5%

PIEDMONT MUNICIPAL POWER AGENCY
FINANCIAL SUMMARY II
AS OF AUGUST 31, 2023
(DOLLARS IN THOUSANDS)

	CURRENT MONTH			YEAR TO DATE			
	ACTUAL	BUDGET	OVER(UNDER)	ACTUAL	BUDGET	OVER(UNDER)	%
REVENUES							
CATAWBA POWER SALES							
Participant	$17,617	$14,833	$2,784	$120,091	$116,480	$3,611	3.1%
Duke-Exchange Energy	1,078	1,070	8	6,886	8,393	(1,507)	(18.0%)
Other-Surplus	253	148	105	3,475	1,742	1,733	99.5%
MISCELLANEOUS INCOME	4	0	4	184	0	184	0.0%
SUPPLEMENTAL POWER SALES							
Participants-Supplemental Power	3,374	6,554	(3,180)	28,121	40,250	(12,129)	(30.1%)
-Leased Facilities	28	28	0	226	225	1	0.5%
-Other	88	100	(12)	648	860	(212)	(24.6%)
INTEREST INCOME	583	656	(73)	3,911	4,357	(446)	(10.2%)
TOTAL	**$23,026**	**$23,389**	**($363)**	**$163,542**	**$172,307**	**($8,765)**	**20.1%**
EXPENSES							
CATAWBA POWER COSTS							
Operations & Maintenance	$4,155	$4,113	$42	$18,266	$20,295	($2,029)	(10.0%)
Fuel Amort(Fuel Acct Deposit)	1,201	1,176	25	7,951	8,419	(468)	(5.6%)
Purch Power-Duke-McGuire Cap	21	21	0	163	164	(1)	(0.7%)
-McGuire Energy	1,112	1,097	15	7,417	8,081	(664)	(8.2%)
Customer Acct and G&A-Duke	911	772	139	5,709	6,173	(464)	(7.5%)
Customer Acct and G&A-Agency	304	295	9	3,011	3,254	(243)	(7.5%)
Property Tax Equivalent	691	691	0	5,526	5,524	2	0.0%
Tax Other-Duke	146	109	37	723	874	(151)	(17.2%)
CATAWBA ANNUAL DEBT SERVICE DEPOSITS							
Debt Service-Principal	4,341	4,341	0	34,724	34,725	(1)	0.0%
-Interest	2,829	2,829	0	22,326	22,325	1	0.0%
Reserve & Contingency	717	717	0	5,736	5,705	31	0.5%
Decommissioning	868	857	11	6,851	6,826	25	0.4%
Inventory	(74)	40	(114)	240	286	(46)	(15.9%)
TRANSFERS (TO) FROM							
Reserve & Contingency	717	717	0	5,736	5,705	31	0.5%
SUPPLEMENTAL POWER COSTS							
Purch Power-Duke/SoCo-Supp Capacity	880	960	(80)	6,754	7,053	(299)	(4.2%)
-Supp Energy	2,514	2,868	(354)	6,236	14,616	(8,380)	(57.3%)
Purch Power-Participants	1,259	1,299	(40)	9,229	9,620	(391)	(4.1%)
Purch Power-Other	299	322	(23)	1,570	1,667	(97)	(5.8%)
Transmission	803	790	13	5,136	5,506	(370)	(6.7%)
Transmission-Agency	0	4	(4)	10	33	(24)	(71.2%)
Leased Facilities-Duke	38	38	0	302	302	0	0.1%
Meter-Agency	0	0	0	113	122	(9)	(7.5%)
Customer Acct and G&A-Duke	0	0	0	4	4	0	(2.2%)
Customer Acct and G&A-Agency	97	95	2	962	1,043	(81)	(7.8%)
Property Tax Equivalent	10	10	0	80	81	(1)	(1.5%)
CAPITAL ADDITIONS							
Capital Additions -Generation	2,362	3,441	(1,079)	17,531	20,131	(2,600)	(12.9%)
-Transmission	0	285	(285)	33	1,149	(1,116)	(97.1%)
-LDMSS/SCADA	0	10	(10)	0	90	(90)	(100.0%)
-General	0	1	(1)	46	49	(3)	(6.4%)
MISCELLANEOUS EXPENSE	662	518	144	3,925	4,144	(219)	(5.3%)
TOTAL	**$25,431**	**$26,982**	**($1,551)**	**$164,838**	**$182,556**	**($17,718)**	**(462.1%)**
WORKING CAP INCREASE(DECREASE)	**($2,406)**	**($3,593)**	**$1,187**	**($1,296)**	**($10,249)**	**$8,953**	**482.3%**

PIEDMONT MUNICIPAL POWER AGENCY
STATEMENT OF G&A EXPENSE
AS OF AUGUST 31, 2023

CURRENT MONTH					YEAR TO DATE				% ANNUAL
ACTUAL	BUDGET	OVER(UNDER)	%		ACTUAL	BUDGET	OVER(UNDER)	%	BUDGET
				G&A-OFFICE EXPENSE					
$132,925	$142,300	($9,375)	(6.6)	Payroll	$1,142,988	$1,152,600	($9,612)	(0.8)	61.8
9,951	8,700	1,251	14.4	Employer's FICA	85,694	88,300	(2,606)	(3.0)	72.6
14,251	16,700	(2,449)	(14.7)	Medical/Life Insurance	125,602	133,400	(7,798)	(5.8)	62.8
12,762	13,700	(938)	(6.8)	401A Plan	113,635	116,200	(2,565)	(2.2)	63.8
83	200	(117)	(58.5)	Subscriptions	212	1,400	(1,188)	(84.9)	10.6
24,286	25,300	(1,014)	(4.0)	Dues & Memberships	308,088	318,500	(10,412)	(3.3)	86.1
1,924	2,300	(376)	(16.3)	Utilities	15,195	18,000	(2,805)	(15.6)	56.3
4,084	4,800	(716)	(14.9)	Telephone	35,713	38,200	(2,487)	(6.5)	62.7
838	800	38	4.8	Office Supplies	4,896	6,600	(1,704)	(25.8)	49.0
775	300	475	158.3	Postage	1,271	2,100	(829)	(39.5)	42.4
0	100	(100)	(100.0)	Printing	213	1,600	(1,387)	(86.7)	10.7
14,474	1,200	13,274	1,106.2	Board & Staff Expenses	34,562	13,700	20,862	152.3	150.3
230	700	(470)	(67.1)	Miscellaneous	4,241	7,600	(3,359)	(44.2)	42.4
647	700	(53)	(7.6)	Equipment Rental	3,818	6,000	(2,182)	(36.4)	42.4
15,480	6,800	8,680	127.6	Maintenance-Building	37,983	34,800	3,183	9.1	82.6
3,213	23,900	(20,687)	(86.6)	Travel-Conf/Meetings	120,010	223,600	(103,590)	(46.3)	42.7
3,186	6,800	(3,614)	(53.1)	Travel-Training	9,728	22,700	(12,972)	(57.1)	34.7
2,575	4,100	(1,525)	(37.2)	Travel-Agency	20,832	33,200	(12,368)	(37.3)	41.7
1,835	0	1,835	0.0	Worker's Comp Insurance	6,911	6,000	911	15.2	115.2
0	0	0	0.0	Property Insurance	10,735	12,000	(1,265)	(10.5)	89.5
0	0	0	0.0	Liability Insurance	143,230	230,000	(86,770)	(37.7)	62.3
195	200	(5)	(2.5)	Bank & Rating Agency Fees	102,113	106,000	(3,887)	(3.7)	95.4
2,948	0	2,948	0.0	Annual Report	2,948	3,000	(52)	(1.7)	98.3
43,629	3,900	39,729	1,018.7	Economic Development	425,136	425,400	(264)	(0.1)	96.4
14,711	15,900	(1,189)	(7.5)	Telecommunications	130,097	127,200	2,897	2.3	68.1
108	400	(292)	(73.0)	Maintenance-Telecom	1,327	3,300	(1,973)	(59.8)	26.5
8,682	11,400	(2,718)	(23.8)	Maintenance-Computer	122,858	156,000	(33,142)	(21.2)	71.4
313,792	**291,200**	**22,592**	**7.8**	**TOTAL G&A OFFICE EXPENSE**	**3,010,036**	**3,287,400**	**(277,364)**	**(8.4)**	**68.1**
				G&A-OUTSIDE SERVICES					
66,321	61,700	4,621	7.5	Legal	520,446	493,400	27,046	5.5	70.3
1,990	25,000	(23,010)	(92.0)	Engineering	149,776	200,000	(50,224)	(25.1)	49.9
0	0	0	0.0	Accounting	60,850	60,000	850	1.4	101.4
0	1,300	(1,300)	(100.0)	Financial	114,817	135,200	(20,383)	(15.1)	43.3
5,187	0	5,187	0.0	Administrative	22,814	4,000	18,814	470.4	570.4
13,155	8,400	4,755	56.6	Technology	83,375	100,500	(17,125)	(17.0)	50.8
86,653	**96,400**	**(9,747)**	**(10.1)**	**TOTAL G&A OUTSIDE SERVICES**	**952,078**	**993,100**	**(41,022)**	**(4.1)**	**62.1**
$400,445	**$387,600**	**$12,845**	**3.3**	**TOTAL OPERATING EXPENSE**	**$3,962,114**	**$4,280,500**	**($318,386)**	**(7.4)**	**66.6**
				TRANSMISSION EXPENSE-AGENCY					
$0	$4,000	($4,000)	(100.0)	Transmission Line Maintenance	$9,500	$33,000	($23,500)	(71.2)	19.0
0	0	0	0.0	Energy Efficiency/DSM	112,870	122,000	(9,130)	(7.5)	76.8
$0	**$4,000**	**($4,000)**	**(100.0)**	**TOTAL XMSN EXPENSE**	**$122,370**	**$155,000**	**($32,630)**	**(21.1)**	**62.1**

PIEDMONT MUNICIPAL POWER AGENCY
G&A EXPENSE TREND
AS OF AUGUST 31, 2023

	YEAR TO DATE	12-MONTH ENDING			
	2023	2023	2022	OVER(UNDER)	%
G&A-OFFICE EXPENSE					
Payroll	$1,142,988	$1,838,764	$1,809,289	$29,475	1.60%
Employer's FICA	85,694	117,179	110,351	6,828	5.83%
Medical/Life Insurance	125,602	183,357	174,207	9,150	4.99%
401A Plan	113,635	171,101	165,168	5,933	3.47%
Subscriptions	212	1,026	654	372	36.26%
Dues & Memberships	308,088	336,438	324,861	11,577	3.44%
Utilities	15,195	22,687	23,992	(1,305)	(5.75%)
Telephone	35,713	53,617	66,722	(13,105)	(24.44%)
Office Supplies	4,896	6,517	7,649	(1,132)	(17.37%)
Postage	1,271	2,133	3,428	(1,295)	(60.71%)
Printing	213	1,127	721	406	36.02%
Board & Staff Expenses	34,562	41,630	20,697	20,933	50.28%
Miscellaneous	4,241	4,973	4,357	616	12.39%
Equipment Rental	3,818	5,940	7,037	(1,097)	(18.47%)
Maintenance-Building	37,983	49,645	28,344	21,301	42.91%
Travel-Conf/Meetings	120,010	131,582	149,321	(17,739)	(13.48%)
Travel-Training	9,728	15,984	8,150	7,834	49.01%
Travel-Agency	20,832	39,300	48,569	(9,269)	(23.59%)
Worker's Comp Insurance	6,911	6,911	5,176	1,735	25.10%
Property Insurance	10,735	10,735	9,857	878	8.18%
Liability Insurance	143,230	143,230	228,491	(85,261)	(59.53%)
Bank & Rating Agency Fees	102,113	101,992	182,835	(80,843)	(79.26%)
Annual Report	2,948	2,948	2,842	106	3.60%
Economic Development	425,136	448,279	507,292	(59,013)	(13.16%)
Telecommunications	130,097	188,345	179,202	9,143	4.85%
Maintenance-Telecom	1,327	43,748	53,784	(10,036)	(22.94%)
Maintenance-Computer	122,858	168,998	205,793	(36,795)	(21.77%)
TOTAL G&A OFFICE EXPENSE	**3,010,036**	**4,138,186**	**4,328,789**	**(190,603)**	**(4.61%)**
G&A-OUTSIDE SERVICES					
Legal	520,446	782,241	655,064	127,177	16.26%
Engineering	149,776	310,551	288,690	21,861	7.04%
Accounting	60,850	60,850	56,120	4,730	7.77%
Financial	114,817	350,339	227,057	123,282	35.19%
Administrative	22,814	22,814	42,000	(19,186)	(84.10%)
Technology	83,375	97,660	111,492	(13,832)	(14.16%)
TOTAL G&A OUTSIDE SERVICES	**952,078**	**1,624,455**	**1,380,423**	**244,032**	**15.02%**
TOTAL OPERATING EXPENSE	**$3,962,114**	**$5,762,641**	**$5,709,212**	**$53,429**	**0.93%**
TRANSMISSION EXPENSE-AGENCY					
Transmission Line Maintenance	$9,500	$34,434	$25,837	$8,597	24.97%
Energy Efficiency/DSM	112,870	138,310	138,434	(124)	(0.09%)
TOTAL XMSN EXPENSE	**$122,370**	**$172,744**	**$164,271**	**$8,473**	**4.90%**

PIEDMONT MUNICIPAL POWER AGENCY
STATEMENT OF CAPITAL SPENDING
AS OF AUGUST 31, 2023

CURRENT MONTH					YEAR TO DATE				% ANNUAL
ACTUAL	BUDGET	OVER(UNDER)	%		ACTUAL	BUDGET	OVER(UNDER)	%	BUDGET
				CAPITAL SPENDING					
$ -	$ 1,000	$ (1,000)	(100.0)	Structures & Improvements	$ -	$ 5,600	$ (5,600)	(100.0)	0.0
-	-	-	N/A	Computer Hard/Software	45,864	43,400	2,464	5.7	105.7
-	-	-	N/A	Furniture & Fixtures	-	-	-	N/A	N/A
-	-	-	N/A	Communication Equipment	-	-	-	N/A	N/A
-	285,000	(285,000)	(100.0)	Transmission/Substation	33,005	1,149,000	(1,115,995)	(97.1)	2.9
-	10,000	(10,000)	(100.0)	SCADA/DSM	-	90,000	(90,000)	(100.0)	0.0
$ -	**$ 296,000**	**$ (296,000)**	**(100.0)**	**TOTAL CAPITAL SPENDING**	**$ 78,870**	**$ 1,288,000**	**$ (1,209,130)**	**(93.9)**	**$ 6.1**

PIEDMONT MUNICIPAL POWER AGENCY
CAPITAL SPENDING TREND
AS OF AUGUST 31, 2023

	12 MONTH ENDING AUGUST 31, 2023	12 MONTH ENDING AUGUST 31, 2022	OVER(UNDER)	%
CAPITAL SPENDING				
Structures & Improvements	$ -	$ 15,779	$ (15,779)	0.00%
Computer Hard/Software	45,864	22,255	23,609	51.48%
Furniture & Fixtures	-	-	-	0.00%
Communication Equipment	-	-	-	0.00%
Transmission/Substation	65,425	3,877	61,547	94.07%
SCADA/DSM	(675,193)	16,207	(691,400)	102.40%
TOTAL CAPITAL SPENDING	**$ (563,904)**	**$ 58,118**	**$ (622,022)**	**110.31%**

PMPA
Demand Response System Report

To: Board of Directors and Alternates
From: Mike Frazier MTF
Date: September 13, 2023

7 Aug – 2:30 PM to 4:30 PM - 2.00 hrs 14 Aug – 1:30 PM to 6:00 PM - 4.50 hrs

TOTAL 6.50 hours

PMPA Monthly Peak[1]: 540.4 MW @ Hour Ending 5:00 p.m. on Aug 14th

- Does NOT coincide with the Duke Transmission Peak on Aug 14th @ Hour Ending 4:00 p.m.
- Monthly Maximum GSP Airport Temperature – 97° F on Aug 25th @ 4:43 p.m. [2]

PMPA Total Participant Load [3]: 581.6 MW @ Hour Ending 5:00 p.m. on Aug 14th

PMPA Ratchet Quantity: 497.5 MW – based on Jul 27, 2023 @ HE 5:00 p.m.

All loads are reflected at the transmission level, which includes 2.01% losses as of June 1, 2023.

[1] PMPA Monthly Peak – Used by Santee Cooper to determine PMPA's capacity charge. This peak includes the load served by nine Participants (does not include Union) and generation (added back to the load) produced by the load-side generators. It also does not include Greer CPW's load served from the leased Laurens EMC delivery points.

[2] August continued the heat trend for this summer. The hottest day of this year was recorded in the last week of August. While hot, August was not too far above normal for a summer month. The PMPA load leveled out about where it was in 2022 (minus one economic development customer load).

[3] PMPA Total Participant Load – includes load served by all ten Participants including the Greer CPW's load served from leased Laurens EMC delivery points and generation produced by the load-side generators.

Month	CDD	% of Normal
Aug 2023	439	106
Normal	415	
Aug 2022	415	100

ENERGY REPORT *

Piedmont Municipal Power Agency

AUGUST, 2023

Surplus Energy Sold By The Energy Authority	**0**	**MWh**
	7,800	MWh - YTD
Gross Revenues From Sales	**0**	**$**
	300,222	$ - YTD
	N/A	**$ / MWh**
	38.49	$ / MWh - YTD
Surplus Energy Sold To Duke Energy	**4,609**	**MWh**
	130,226	MWh-YTD
Gross Revenues From Sales	**106,934**	**$**
	2,858,700	$-YTD
	23.20	**$ / MWh**
	21.95	$ / MWh - YTD
Surplus Energy Sold To Santee Cooper	**4,931**	**MWh**
	16,226	MWh-YTD
Gross Revenues From Sales	**152,444**	**$**
	461,785	$-YTD
	30.92	**$ / MWh**
	28.46	$ / MWh - YTD
Total Surplus Sales Revenue	**259,379**	**$**
	3,620,708	$ - YTD

Generation Imbalance Charge	**(795)**	$
	(162)	$ - YTD
Deviation Band 1 -- up to +/- 1.5%	(577)	$
Deviation Band 2 -- +/- 1.5% to 7.5%	(218)	$
Deviation Band 3 -- +/- Greater Than 7.5%	0	$
Energy Imbalance Charge	**927**	$
	208,000	$ - YTD
Deviation Band 1 -- up to +/- 1.5%	(1,350)	$
Deviation Band 2 -- +/- 1.5% to 7.5%	2,277	$
Deviation Band 3 -- +/- Greater Than 7.5%	0	$

Supplemental Energy Purchased

Santee Cooper	TEA Backstand &	Total	
43,751	70	**43,821**	**MWh**
107,905	26,286	134,191	MWh - YTD
2,509,980	0	**2,509,980**	**$**
5,226,038	925,095	6,151,133	$ - YTD
57.37	0.00	**57.28**	**$ / MWh**
48.43	35.19	45.84	$ / MWh - YTD

* All MWh are measured at the bus bar (generation level)

& Includes energy and transmission costs

Catawba and McGuire Report

Since the last Board meeting, Catawba 1, Catawba Unit 2, McGuire 1, and McGuire Unit 2 have operated continuously without any concerns.

August 2023	Capacity Factor	Generation (MWhs)	PMPA's Entitlement (MWhs)
Catawba 1	98.65%	851,348	53,209
Catawba 2	99.56%	851,875	53,242
McGuire 1	100.31%	864,198	52,413
McGuire 2	99.84%	860,144	52,167

McGuire Unit 1 will begin a 44-day refueling outage on September 16. During this refueling outage, the major project will be the Reactor Vessel Head peening. McGuire Unit 1 will be the last of the McGuire and Catawba units to complete the Reactor Vessel Head peening.

Beginning on October 2, the World Association of Nuclear Operators (WANO) will be performing a two-week observation and overall evaluation of Catawba's performance. On November 30, WANO will hold an exit meeting to present their findings of Catawba's Strengths and Areas for Improvement.

On August 26, Catawba Unit 1's 1C1 Heater Drain Pump experienced high temperature readings on its lower bearings. Duke removed the pump from service resulting in a loss in efficiency and reduction in generation of approximately 30 MWs. The spare pump motor was at the vendor being repaired, and Duke has taken actions to expedite its repair with the pump scheduled to be returned on September 23. During this time, Catawba Unit 1 has continued to operate at 100% reactor power but has continued to generate power with a 30 MW loss in efficiency.

Catawba's NRC Regulatory Performance Indicators are Green with no regulatory issues.

2023 Planned Refueling Outages

Unit	Start Date	Budget Allocation
McGuire 1	September 16	44 days

2024 Planned Refueling Outages

Catawba 2	March 23	25 Days
McGuire 2	August 31	22 Days
Catawba 1	September 21	25 Days