

## JACKSON COUNTY

### An Ordinance Requiring Property Owners to Connect to the Scotts Creek Sewer Line

#### ARTICLE I STATUTORY AUTHORITY

The General Assembly of the State of North Carolina has in Section 153A-121 provided for general ordinance-making power of the county and in Section 153A-284 provided the power to require owners of developed property on which there is residential or commercial structures within a reasonable distance of a sewer line, to connect the property with the sewer line and fix charges for the connections and periodic service.

#### ARTICLE II SEWER LINE CONNECTION REQUIREMENTS

1. All owners of developed property with failing or illegal septic systems located within 700 feet of the Scotts Creek sewer line shall connect to said line within 90 days after receiving written notice from the Tuckasegee Water and Sewer Authority establishing the availability of sewer service for the property.
2. All owners of undeveloped property that develop residential or commercial structures requiring sewer facilities located within 700 feet of the Scotts Creek sewer line as provided for by the North Carolina Clean Water Management Trust Fund in February 1998 shall connect to said sewer line at the time of construction.
3. The requirement to connect to the sewer line in parts 1 and 2 above, may be waived by the County if the County makes one or more of the following findings. However, this waiver does not relieve the property owner from complying with all applicable regulations regarding failing or illegal septic systems.
  - a That connection to the sewer line is not feasible due to extreme engineering requirements;
  - b That connection is legally constrained due to problems that are beyond the control of the property owner, such as the refusal of easements across adjoining property that is not owned by the property owner;
  - c That the individual connection cost exceeds \$5,000.
4. Beginning with Fiscal Year 1999 (98/99) Jackson County shall budget funds to provide sewer line construction costs for landowners who cannot otherwise afford to

connect to the new sewer line system. The initial budgeted amount shall be \$50,000, which amount may be adjusted, upward or downward, on a fiscal year basis depending on anticipated need.

5. Provided, further, that before Jackson County shall provide any funds for sewer line construction costs for landowners who affirm that they cannot otherwise afford to connect to the system, each and every owner of any interest whatsoever in any parcel of land to be serviced by a sewer line for which the County pays construction costs shall duly execute a Confession of Judgment for the full amount of such construction costs and such judgment shall provide for interest to accrue at the legal rate until paid. By the execution of such judgment any owner acknowledges that the owner understands that the Judgment shall be filed in the Office of the Clerk of Court of Jackson County and shall be and constitute a lien against the lands until paid in full.

6. All property owners connected to the Scotts Creek sewer line shall be responsible for paying periodic service charges as established by the Tuckaseegee Water and Sewer Authority.

7. The County may delegate any requirements, authority, and/or ability to make determinations under this ordinance to the Tuckaseegee Water and Sewer Authority.

### ARTICLE III EFFECTIVE DATE

This Ordinance shall become effective on the day following adoption by the Jackson County Board of County Commissioners.

Adopted this the 5<sup>th</sup> day of OCT 1998.

Alan Johnson (SEAL) 10/5/98 (Date)  
Chairman

ATTEST:

Evelyn B Baker  (SEAL) 10/5/98 (Date)  
Clerk