

**AN ORDINANCE TO AMEND CHAPTER 53, ARTICLE I, SECTION 53-3
“APPLICATION FOR CONNECTION”, OF THE CODE OF
ORDINANCES FOR THE CITY OF LIBERTY**

FINDINGS: State law permits municipalities to provide for utility service to customers outside the city limits and also provides cities the ability to annex those properties if desired.

The City has spent tax revenue on creating a water and sewer system for citizens. That infrastructure has been pledged as collateral for bonds in order to continue and improve the systems. It is entirely appropriate that these systems be in the City limits whenever possible.

The South Carolina Supreme Court has upheld the imposition of a requirement by municipalities for rural water and sewer customers to sign annexation agreements as a condition to receiving municipal water or sewer service, which requirement was and is utilized by many municipalities to encourage and accelerate the annexation of rural service areas where municipal utility services are provided.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Liberty that the Chapter 53, Article I, Section 53-3 – Application for connection, is hereby amended to read as follows:

~~Indicates Matter Stricken~~

Indicates New Matter

Sec. 53-3. - Application for connection.

(A) Before any portion of the plumbing and drainage system of any building shall be laid or constructed, there shall be filed by the owner or agent of the property, at the office of the waterworks superintendent, a written application for connections with the sewerage and waterworks systems, stating the location of the building, with a plan of the sewerage and waterworks systems, showing in detail the entire proposed connections from the public sewer through the building to the terminus, showing the location of all fixtures, traps, vent pipes, etc. The application shall contain a specific agreement to obey and abide by any and all resolutions, ordinances, rules, and regulations that are now or may hereafter be passed by council for the protection of the sewerage and waterworks system and to restrict, regulate and control the use of the sewerage and waterworks system and the connections therewith. The application shall

also give permission to the waterworks superintendent or his authorized agents to enter the premises of the applicant, at any reasonable time, to look after or attend to anything connected with the plumbing or sewers. The plan shall be inspected and approved, corrected or modified by the waterworks superintendent, whereupon a permit for the proposed connections shall be given by the waterworks superintendent upon his ascertaining that the work will be done by a regularly licensed plumber.

(B) Compliance with the following is also required for water and sewer connections and continuing service outside the city:

(1) Before the city agrees to initiate the provision of city sewer or water to any rural parcel of property regardless of whether the rural property is already developed, the rural property owner must properly execute an annexation agreement under which the property owner, its heirs, assigns and successors, shall agree to execute a petition to annex as often as requested by the city council. The annexation agreement will be properly processed and recorded. The subject property will be annexed whenever city council determines annexation of the property is appropriate.

(2) The city may connect or allow continued service to industrial properties and developments to the municipal water and sewer system without annexation or annexation agreements when the economic benefit is found to be in the best interest of the community. The City Council shall approve such on a case-by-case basis by resolution.

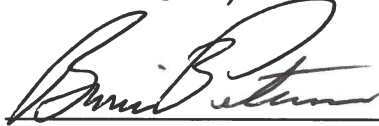
(3) Current customers outside the City limits may be required to sign an annexation agreement or to immediately discontinue water and/or sewer service based on the needs or desires of the City and at the discretion of the administrator/mayor. No provision of water or sewer service shall be seen as a right to future service to property outside the City limits. At any time in the present or future the City Administrator/Mayor may decide it is in the City's best interest to require a customer to sign an annexation agreement or discontinue services.

This ordinance shall be in full force and effect from and after the date of its adoption.

APPROVED, this 11 day of ^{June}~~May~~ 2018.

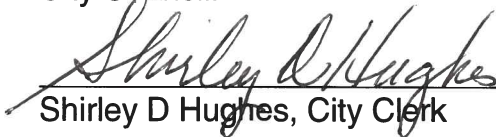
1st reading: 5/14/18

2nd reading 6/11/18



Brian Petersen, Mayor

I attest the following signature is valid and the above ordinance was adopted by
City Council:



Shirley D Hughes, City Clerk

Approved as to form and the assignment of the ordinance number.

Derek J. Enderlin, City Attorney