

ORDINANCE NO. 2577

As Amended

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING AND RESTATING IT IN ITS ENTIRETY

WHEREAS, Chapter 110 of the Code of Sussex County currently regulates, among other things, the design, construction, oversight, fees, usage, etc. of sewer systems, septic system abandonment and county-owned water systems; and

WHEREAS, in 2016, Sussex County adopted a Unified Sewer District for all County owned and operated sewer districts which created the need to amend Chapter 110 of the Code of Sussex County for consistency with the new Unified District; and

WHEREAS, in 2017 Sussex County adopted the ability to bill by Equivalent Dwelling Units instead of front footage measurements; and

WHEREAS, the Sussex County Finance Department has determined that the current method of calculating Sewer Connection Charges should be updated and revised; and

WHEREAS, the County Engineering Department has developed a method of utilizing existing infrastructure capacity for new development, and this method must be integrated into Chapter 110; and

WHEREAS, the County Engineering Department, with the County Department of Finance, has recommended a lowered EDU category for multi-family units; and

WHEREAS, the County Engineering Department has developed a Tier System to better regulate and plan for the construction of both County owned and operated sewer systems and publicly regulated private utility systems; and

WHEREAS, The County Engineering Department has performed a “peer review” of the existing Chapter 110 and the proposed changes set forth herein; and

WHEREAS, the County Engineering Department has recommended that all of Chapter 110 be reviewed for better consolidation and organization, having been amended in a piecemeal fashion for several decades; and

WHEREAS, it is in the best interests of the County and its residents and businesses to amend and restate the entire Chapter 110 rather than make numerous separate amendments to it; and

WHEREAS, this complete amendment and restatement of Chapter 110 of the Code of Sussex County is intended to supersede the prior Chapter 110 and all policies related to the application of it; and

WHEREAS, the amended and restated Chapter 110 of the Code of Sussex County is supported by both the County Engineering Department and the County Department of Finance; and

WHEREAS, the existing Chapter 110 of the Code of Sussex County is deleted in its entirety as shown hereafter in [brackets], and the new amended and restated Chapter 110 of the Code of Sussex County is inserted as shown in *italics and underscored*; and

WHEREAS, these amendments will promote the health, safety and welfare of Sussex County and its residents and businesses.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 110, is hereby deleted in its entirety, as follows:

[PART 1: SEWER USE

§ 110-1 Deposit of certain wastes. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property in any area served by a Sussex County sanitary sewer or a Sussex County water and sanitary sewer district any human or animal excrement, garbage or other objectionable waste.

§ 110-2 Discharges to natural outlets. It shall be unlawful to discharge to any natural outlet in any area served by a Sussex County sanitary sewer district or a Sussex County water and sanitary sewer district any sewage or other polluted waters.

§ 110-3 Use of privies, privy vaults, septic tanks and cesspools. Where public sewers are provided in an area served by a Sussex County sanitary sewer district, 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 sewage.

§ 110-4 Connection to public sewer required.

A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within an area served by a Sussex County sanitary sewer district or a Sussex County water and sanitary sewer district and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the county are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 1 within 60 days after the date of official notice to do so and to make such connections in accordance with the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer Districts, Article VII of this Part 1.

B. At such time as a public sewer becomes available to a property served by a private sewage disposal system in an area served by a Sussex County sanitary sewer district or Sussex County water and sanitary sewer district, a direct connection shall be made to the public sewer, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

C. The provisions of Subsections **A** and **B** of this section shall not apply to those houses and buildings situated within Sussex County sanitary sewer districts which the Sussex County Council determines are subject to restrictions imposed by the Farmers Home Administration prohibiting sewer connections within areas designated as one-hundred-year-flood zones.

Article II: Building Sewers and Connections

§ 110-5 Permit required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the county.

§ 110-6 Classes of building sewer permits; permit applications.

A. There shall be two classes of building sewer permits.

(1) For residential and commercial service.

(2) For service to establishments producing industrial wastes.

B. Permit applications.

(1) In the case of residential and commercial service, the application for a permit will be made in person by the plumber, duly licensed in the State of Delaware, who will install or supervise the installation of the building sewer. The application for a permit shall be made on forms furnished by the county and shall be supplemented by plans and specifications and shall be signed by the licensed plumber and the owner of the building having the building sewer connected thereto.

(2) In case of service for establishments producing industrial wastes, the application for a permit shall be made by the owner or his authorized agent. The application for a permit shall be made on forms furnished by the county and shall be supplemented by plans and specifications and other information considered pertinent in the judgment of the Engineer.

§ 110-7 Expenses; indemnification of county. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the county from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 110-8 Separate building sewers required. A separate and independent building sewer shall be provided for every dwelling, building or property used for human occupancy, employment, recreation or other purpose. A building sewer shall not service more than one:

A. Dwelling house, either detached or one side of a double house or house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.

B. Industrial, commercial or manufacturing establishment.

C. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices or any combination thereof.

D. Detached building comprising apartments, stores, offices or any combination thereof.

E. Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.

§ 110-9 Use of old building sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Engineer, to meet all requirements of this Part 1.

§ 110-10 Materials and methods. The connection of the building sewer into the public sewer and the size, slope, alignment and materials of construction of the building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sewer Districts and Sussex County Water and Sanitary Sewer Districts, Article VII of this Part 1.

§ 110-11 Connection of building sewer to public sewer. The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Engineer or his authorized representative.

§ 110-12 Excavations. All excavations for building sewer installation shall be adequately guarded with barricades and barricades and lights at night 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 county.

§ 110-13 Definitions; word usage; abbreviations.

A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 1, shall have the meanings hereinafter designated:

ACT or THE ACT The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

May be:

(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration [Milligrams per liter (mg/l)].

BUILDING SEWER A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS National Categorical Pretreatment Standards or pretreatment standards.

CONTROL AUTHORITY The approval authority, defined hereinabove, or, if the County has adopted an approved pretreatment program under the provisions of 40 CFR 403.11, the official designated therein.

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

COUNTY The County of Sussex, State of Delaware, or the County Council of Sussex.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) The agency responsible for monitoring all discharges to the surface and ground waters of the State of Delaware.

DIRECT DISCHARGE The discharge of treated or untreated wastewater directly to the waters of Sussex County or the State of Delaware.

ENGINEER The duly appointed County Engineer designated by the county pursuant to Title 9 of the Delaware Code, who is the person designated to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part 1.

ENVIRONMENTAL PROTECTION AGENCY or EPA The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said Agency.

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

HOLDING TANK WASTE Any waste from holding tanks, such as vessels, chemical toilets, campers, manufactured homes, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into the POTW, including holding-tank waste discharged into the system.

INDUSTRIAL USER A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342.).

INTERFERENCE The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the county's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA), applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342.).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403-5.

NEW SOURCE Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) Categorical Pretreatment Standard which will be applicable to such source, if such

standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

PERSON Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

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

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

POLLUTION The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT REQUIREMENTS Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PRETREATMENT STANDARD See definition of "National Categorical Pretreatment Standard" above.

PRETREATMENT or TREATMENT The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).

PUBLICLY OWNED TREATMENT WORKS (POTW) A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the county. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this Part 1, "POTW" shall also

include any sewers that convey wastewaters to the POTW from persons outside the county who are, by contract or agreement with the county, users of the county's "POTW."

SIGNIFICANT INDUSTRIAL USER Any industrial user of the county's wastewater disposal system who has a discharge flow of 9,000 gallons or more per average workday or has a flow greater than 5% of the flow in the county's wastewater treatment system or has, in his wastes, toxic pollutants as defined pursuant to Section 307 of the Act or is found by the county, Delaware DNREC or the United States Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STATE The State of Delaware.

STORMWATER Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

TOXIC POLLUTANT Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

USER Any person who contributes, causes or permits the contribution of wastewater into the county's POTW.

WASTEWATER The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WASTEWATER CONTRIBUTION PERMIT As set forth in §§ 110-26 through 110-31 of this Part 1.

WATERS OF THE STATE All streams, lakes, ponds, marshes, watercourses, 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.

B. Word usage. "Shall" is mandatory; "may" is permissive.

C. Abbreviations. The following abbreviations shall have the designated meanings:

BOD — Biochemical oxygen demand.

CFR — Code of Federal Regulations.

COD — Chemical oxygen demand.

DNREC — Department of Natural Resources and Environmental Control of the State of Delaware.

EPA — Environmental Protection Agency.

l — Liter.

mg — Milligrams.

mg/l — Milligrams per liter.

NPDES — National Pollutant Discharge Elimination System.

POTW — Publicly owned treatment works.

SIC — Standard Industrial Classification.

SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et. seq.

TSS — Total suspended solids.

USC — United States Code.

§110-14 General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW.

A. Any 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. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than

5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter. No person shall discharge any prohibited materials to any public sewer or POTW. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates carbides, hydrides and sulfides and any other substances which the county, the state or the EPA has notified the user are a fire hazard or a hazard to the system.

B. Solid or viscous substances, either whole or ground by garbage grinders, which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to grease, garbage with particles greater than 1/2 inch 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, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

E. Any noxious or malodorous 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 maintenance and repair.

F. Any substance 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 reclamation 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; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic

Substances Control Act or state criteria applicable to the sludge management method being used.

G. Any substance which will cause the POTW to violate its NPDES and/ or state disposal system permit or the receiving water quality standards.

H. Materials which exert or cause:

(1) Unusual concentrations of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) A biochemical oxygen demand (BOD) or chemical oxygen demand (COD) greater than 300 mg/l as determined from analysis of a twenty-four-hour composite sample.

(4) A suspended solid load greater than 300 mg/l as determined from analysis of a twenty-four-hour composite sample.

(5) An average chlorine demand greater than 15 parts per minute.

I. Any wastewater or vapor having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW pipelines which exceeds 150° F. or an average temperature over an eight-hour period greater than 100° F. or at the introduction to the treatment plant which increases the temperature of the wastewater entering the treatment plant to above 104° F. (40° C.).

J. Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average twenty-four-hour concentration, quantities or flow during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the County Engineer in compliance with applicable state or federal regulations.

L. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3.4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Engineer.

M. Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not, unless covered under the National Categorical Pretreatment Standard.

N. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Engineer for such materials, or which creates any hazard in the receiving water of the treatment plant. The following substances are not permitted in concentrations above those listed. By amendment to this Part 1, restrictions may also be placed on other substances, or the present concentration limits revised, when it is shown that the presence of these substances or concentrations at the treatment plant is sufficient to adversely affect any portion of the treatment process.

Substance	Maximum Allowable Concentration (mg/l)
Arsenic as	0.5
Cadmium as Cd	0.4
Chromium (hexavalent) as Cr	0.2
Cyanide as Cn	0.5
Lead as Pb	0.5
Copper as Cu	1.0
Mercury as Hg	0.5
Nickel as Ni	2.0
Zinc as Zn	5.0
Total toxic organics (phenols, acetone, chlorinated hydrocarbons, etc.)	2.1

O. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

P. Any wastewater which causes a hazard to human life or creates a public nuisance.

§ 110-15 Pretreatment.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 110-14 of this Article and which, in the judgment of the Engineer or as required by the National Pollutant Discharge Elimination System (NPDES), SWDA, DNREC, National Categorical Pretreatment Standard and/or approval authority, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Engineer shall:

(1) Require that the waste discharge be stopped or reject the application to discharge proposed waste;

(2) Require pretreatment in compliance with National Categorical Pretreatment Standards before discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or Sewer Charge Ordinances.

B. If the Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer and subject to the requirements of all applicable codes, ordinances and laws.

§ 110-16 Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

§ 110-17 Maintenance of pretreatment facilities. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be

maintained continuously in satisfactory and effective operation by the owner, at his expense.

§ 110-18 Effect of Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Part 1 for sources in that subcategory, shall immediately supersede the limitations imposed under this Part 1. The County Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 110-19 Modification of Federal Categorical Pretreatment Standards. Where the county's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards- the county may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403), General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The county may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 110-20 State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 1.

§ 110-21 Dilution of discharge. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the county or state.

§ 110-22 Accidental discharge protection and procedures.

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 1. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or

user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted by every user to the county for review on or before a date to be determined by the county. No user who commences contribution to the POTW after the effective date of this Part 1 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the county. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part 1.

B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, concentration and volume and corrective actions.

(1) Written notice. Within five days following an accidental discharge, the user shall submit to the County Engineer a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW fishkills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.

(2) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Article IV: Sewer User Fees

§ 110-23 Purpose. It is the purpose of this Article to provide for the recovery of costs from users of the county's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the county's schedule of charges and fees.

§ 110-24 Authorization for fees.

A. The county may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the county's pretreatment program.

(2) Fees for monitoring, inspections and surveillance procedures.

(3) Fees for reviewing accidental discharge procedures and construction.

(4) Fees for permit applications.

(5) Fees for filing appeals.

(6) Fees for consistent removal (by the county) of pollutants otherwise subject to Federal Pretreatment Standards.

(7) Other fees as the county may deem necessary to carry out the requirements contained herein.

B. These fees relate solely to the matters covered by this Part 1 and are separate from all other fees chargeable by the county.

Article V: Industrial Wastewater Discharge

§ 110-25 Conformance required. It shall be unlawful to discharge without a permit to any natural outlet within the county or in any area under the jurisdiction of said county and/or to the POTW any wastewater except as authorized by the County Engineer in accordance with the provisions of this Part 1.

§ 110-26 Permit required. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

§ 110-27 Permit application.

A. Users required to obtain an industrial user wastewater contribution permit shall complete and file with the county an application in the form prescribed by the county and accompanied by a fee to be determined by the County Engineer at a future date. New significant industrial users shall apply at least 180 days prior to connecting to

or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name, address and location (if different from the address).
- (2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (3) The wastewater constituents and characteristics, including but not limited to those mentioned in this Part 1, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
- (4) The time and duration of the contribution.
- (5) The average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
- (7) A description of the activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any county, state or federal pretreatment standards and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards.
- (9) A pretreatment schedule.
 - (a) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(b) The following conditions shall apply to this schedule:

[1] The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).

[2] No increment referred to in Subsection **A(9)(b)[1]** shall exceed six months.

[3] Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the County Engineer, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six months elapse between such progress reports to the County Engineer.

(10) Each product produced by type, amount, process or processes and rate of production.

(11) The type and amount of raw materials processed (average and maximum per day).

(12) The number and type of employees, the hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

(13) Any other information as may be deemed by the county to be necessary to evaluate the permit application.

B. The county will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the county may issue an industrial wastewater contribution permit subject to terms and conditions provided herein.

§ 110-28 Permit modifications. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater contribution permit as required by § 110-27, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the County Engineer within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by § 110-27A(8) and (9).

§ 110-29 Permit conditions.

A. Industrial user wastewater discharge permits shall be expressly subject to all provisions of this Part 1 and all other applicable regulations, user charges and fees established by the county.

B. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW.

(2) Limits on the average and maximum wastewater constituents and characteristics.

(3) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(4) Requirements for installation and maintenance of inspection and sampling facilities.

(5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

(6) Compliance schedules.

(7) Requirements for submission of technical reports or discharge reports.
(See § 110-32.)

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the county and affording county access thereto.

(9) Requirements for notification of the county of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharges as per § 110-40.

(11) Other conditions as deemed appropriate by the county to ensure compliance with this Part 1.

§ 110-30 Duration of permit. Significant industrial user permits shall be issued for a specified time period, not to exceed five (optional) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the county during the term of the permit as limitations or requirements as identified in Article III are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 110-31 Transfer of permit. Industrial use wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the county. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

§ 110-32 Reports.

A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, and industrial user subject to pretreatment standards and requirements shall submit to the County Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements

are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

B. Significant industrial user periodic compliance reports.

(1) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the County Engineer during the months of June and December, unless required more frequently in the pretreatment standard or by the County Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 110-29 of this Article. At the discretion of the County Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the County Engineer may agree to alter the months during which the above reports are to be submitted.

(2) The County Engineer may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by Subsection **B(1)** shall indicate the mass of pollutants regulated by pretreatment standards in the effluent 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 County Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

§ 110-33 Monitoring facilities.

A. The county shall require a significant industrial user to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the county may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the county's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the county.

§ 110-34 Inspection and sampling of industrial user. The county shall inspect the facilities of any industrial user to ascertain whether the purpose of this Part 1 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the county or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The county, the DNREC, the approval authority and the EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the county, the approval authority, the DNREC and the EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

§ 110-35 Pretreatment requirements.

A. Industrial users shall provide necessary wastewater treatment as required to comply with this Part 1 and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal

Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the county shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the county for review and shall be acceptable to the county before construction of the facility. The review 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 county under the provisions of this Part 1. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the county prior to the user's initiation of the changes.

B. The county shall annually publish in a general-circulation newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the approval authority upon request.

D. In addition to any other charge or fee set forth in this chapter, in those situations where the county has contracted with a municipality or other operator of a wastewater treatment facility for wastewater treatment and that municipality or other operator has imposed pretreatment charges or fees and where deemed appropriate and necessary by the County Engineer, the county hereby adopts the following:

(1) Fees for wastewater discharge permit applications, including the cost of processing such applications:

Permit Category	Fee (per issuance)
Significant industrial user (SIU) permit	\$500.00
Categorical industrial user (CIU) permit	\$500.00
Other industrial user (IU)	\$250.00
Permit amendment	\$250.00

Permit Category	Fee (per issuance)
Permit variance(s)	\$250.00

(2) Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users:

User Category	Fee
SIU or CIU	\$250.00 (annual)
Other industrial user	\$100.00 (annual)

(3) Other fees as the county may deem necessary to carry out the requirements contained herein.

§ 110-36 Confidential information.

A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate, to the satisfaction of the county, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part 1, the National Pollutant Discharge Elimination System (NPDES) permit, the State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for the use of the county, state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Information accepted by the county as confidential shall not be transmitted to any governmental agency or to the general public by the county until and unless a ten-day notification is given to the user.

§ 110-37 Measurements, tests and analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part 1 where federal, state or county regulations are silent as to methods of analysis shall

be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association" and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

§ 110-38 Increased discharge restricted. When the wastewater treatment facilities have reached a point near maximum loading as determined by the Engineer, increased industrial discharge, either on the basis of flow or quantity of waste constituents, or both, shall be prohibited.

§ 110-39 Suspension of wastewater treatment service.

A. The county may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the county, 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 to the environment, causes interference to the POTW or causes the county to violate any condition of its NPDES permit.

B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the county shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The county shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the county within 15 days of the date of occurrence.

§ 110-40 Revocation of permit. Any user who violates the following conditions of this Part 1 or applicable state and federal regulations is subject to having his permit revoked:

- A.** Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- B.** Failure of the user to report significant changes in operations or in wastewater constituents and characteristics.
- C.** Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.
- D.** Violation of conditions of the permit.

§ 110-41 Violation proceedings.

- A.** See Article IX for penalties and legal proceedings.
- B.** Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 1 or a wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part 1 shall be subject to criminal prosecution pursuant to the laws of the State of Delaware.

Article VI: Use of Public Water Service

§ 110-42 Connection required. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated in an area served by a Sussex County water district and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of Sussex County are hereby required, at their expense, to install a suitable water supply system and to connect such system directly with the proper public water main in accordance with the provisions of this Part 1, within 60 days after the date of official notice to do so.

§ 110-43 Permit required. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a permit from the Engineer.

§ 110-44 Permit application.

- A.** Application for a permit to install and connect a water service pipe shall be made by the plumber, licensed by Sussex County, who will install or supervise the

installation of the water service pipe. The application will be made on forms provided by the county and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. The application shall be signed by the licensed plumber and the owner of the building having the water service pipe connected thereto. If approved, the application will be signed by the Engineer or his authorized agent and will constitute a permit.

B. An application for a permit shall be made to increase the size of an existing service. The cost of increasing the size of the service shall be borne entirely by the applicant.

§ 110-45 Separate water service required. A separate and independent water service and water meter shall be provided by the county for every dwelling, building or property used for human occupancy, employment, recreation or other purpose. A water service, water meter and water service pipe shall not service more than one:

A. Dwelling house, either detached or one side of a double house or a house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.

B. Industrial, commercial or manufacturing establishment.

C. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices or a combination thereof.

D. Detached building comprising apartments, stores, offices or any combination thereof.

E. Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.

F. Unit of property commonly referred to as a "condominium unit" and/or more specifically referred to as "unit property," subject to the requirements of the Unit Property Act, Title 25 of the Delaware Code, Chapter 25. Property which is converted from ownership by a single commercial or cooperative entity or from any other form of ownership to condominium units shall comply with the requirements of this section.

§ 110-46 Use of water on premises. Use of water shall be confined to the premises named on the permit. No customer shall supply another with water, nor shall he use it for any purpose not listed on the permit application.

§ 110-47 Multiple water meters at one premises. Any such dwelling, building or property as classified in § **110-45** of this Article may be supplied by two or more water meters, each of which, for billing by the county, shall be considered as being one customer account.

§ 110-48 Responsibility for costs of connection; indemnification of county.

A. All costs and expenses incident to the installation and connection of the water service pipe shall be borne by the owner.

B. The owners shall indemnify Sussex County from any loss or damage that may, directly or indirectly, be occasioned by the installation of the water service pipe.

§ 110-49 Protection from contamination. The customers water supply system shall be designed installed and maintained in a manner that will prevent the contamination of the water supply. Requirements for such protection are given in the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer Districts, Article **VII** of this Part 1.

§ 110-50 Materials and methods for connection. The connection of the water service pipe to the water meter and the size, alignment, materials of construction of the water service pipe and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer Districts, Article **VII** of this Part 1.

§ 110-51 Responsibility for and control of water main connections. The county shall make all connections to the water mains and furnish, install and maintain all water service lines from the water main to and including the curb cock and box, which shall be placed in back of the property line, all of which shall be the property of the county and under its control.

§ 110-52 Notification of readiness for inspection and connection. The applicant for the water service pipe permit shall notify the Engineer when the water service pipe is ready for inspection and connection to the public main. The connection shall be made under the supervision of the Engineer or his authorized representative.

§ 110-53 Guarding of excavations. All excavations for water service pipe installations shall be adequately guarded with barricades and barricades and lights at night 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 county.

§ 110-54 Water meters.

A. All water meters belonging to the county shall be placed by the county and kept in repair, except that the owner of the building served shall be responsible for any damage caused by negligence of the owner or tenant. The Engineer shall determine, in each case of damage, the cause and cost of replacement or repair.

B. No meter or bypass valve shall be disconnected from the pipes, moved, disturbed or have its seal broken by any person except an authorized employee of the county.

C. The customer shall notify the County Engineer's office of any injury to or cessation of registration of a meter as soon as it comes to his knowledge.

§ 110-55 Discontinuance of service.

A. Water service may be discontinued, upon notice to the owner, his authorized agent or the occupant, for any of the following causes:

(1) Use of water for any purpose other than that described on the permit application.

(2) Willful waste of water through faulty pipes, fixtures or otherwise.

(3) Tampering with or damaging any service pipes, meters, seals or any other property of the county.

(4) Refusal of reasonable access to property for the purpose of inspections and maintenance and for failure to make provisions to afford the county access to the meter readout at least once every three months during regular county working hours.

(5) Making or refusing to sever any cross-connections between a pipe or fixture carrying water furnished by the county and a pipe or fixture carrying water from any other source.

(6) Nonpayment of water service charges and/or fines.

(7) Extending water pipes to other buildings without obtaining a proper permit.

(8) Failure to correct piping and fixtures in a water distribution system that could allow contamination of the water source.

(9) Violation of any regulation governing water service.

B. Water service may temporarily be shut off by the county for any of the following reasons:

(1) Making alterations, repairs or inspections of water mains or pipes.

(2) In case of emergency such as fire, contamination or any other reason for the general welfare.

(3) Removing the water meter for repair or testing.

C. When the county discontinues water service for any reason, it does so without liability to such owner or occupant as may own or occupy the building to which such connection is made.

D. No customer shall be entitled to recover for damages or to have any portion of the water charges refunded for any stoppage of water service.

§ 110-56 Public fire hydrants.

A. Public fire hydrants are installed and supplied with water for the express purpose of combating fires. Fire hydrant use is restricted to Fire Departments and those authorized by the County Engineer.

B. It shall be unlawful for any person to:

(1) Take water from a public fire hydrant, except for the purpose of combating fire, except with the approval of the Engineer.

(2) Have in possession any key to any fire hydrant, except such key as may be furnished by the county.

(3) Open a fire hydrant with any device except the proper key.

(4) Place or allow to be placed any vehicle, object or material within 15 feet of any fire hydrant which obstructs or restricts access to said fire hydrant.

C. Temporary use of water may be supplied through a public fire hydrant for uses other than extinguishing fires by application for a use permit to the County Engineer and payment of charges that may be stipulated if the application is approved by the Engineer. The applicant shall be responsible for any damage occasioned by the use of the fire hydrant or other appurtenance.

D. The county does not assume any liability to parties receiving water service as an insurer of property or person, and the county does not guarantee any special service, pressure, capacity or facility other than is permitted by the ordinary and changing operating conditions of the county as the same exist from day to day. The county shall be free and exempt from any claims for injury to any persons or property by reason of fire, water and failure to supply water pressure or capacity.

§ 110-57 Private fire service.

A. Any person desiring a private water supply from the county for the purpose of extinguishing fire or desiring to make alterations on an existing private fire service shall first make application to the County Engineer and obtain approval of the private fire service and a permit to install or alter the same.

B. All costs pertaining to the installation of a private fire service, including but not limited to tapping the public water main and piping to the property line, shall be borne by the applicant.

C. A private service line shall be required for on-premises fire hydrants, automatic sprinklers or other fire-service devices located inside a building or buildings, and such private service line is to be used exclusively for fire service.

D. It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-service appliances installed on a premises, building or buildings for any purpose other than for the extinguishment of fires.

E. The county does not assume any liability to parties receiving water service as an insurer of property or person, and the county does not guarantee any special service, pressure, capacity or facility other than is permitted by the ordinary and changing operating conditions of the county as the same exist from day to day. The county shall be free and exempt from any claims for injury to any person or property by reason of fire, water and failure to supply water pressure or capacity.

§ 110-58 Water meter testing.

A. The quantity of water recorded by the meter shall be conclusive on both the customer and the county except when the meter has been found to be registering inaccurately or has ceased to register. In either case, the meter shall be promptly repaired or replaced by the county, and the quantity of water consumed shall be estimated by an average of previous readings of the meter when in good working order during as many as two recorded periods of the same period in previous years but in no case less than the minimum charge.

B. In the case of a disputed account involving the accuracy of a meter, such meter shall be tested at the request of the customer in conformity with the provisions of the county water regulations. In the event that the meter so tested is found to have an error in registration in excess of 5% slow or fast, the bills shall be adjusted accordingly as provided in the aforesaid rules.

C. When meters are removed after installation at the request of the customer for testings, the following rules shall apply: The county shall, upon a written request of a customer and, if he so desires, in his presence or that of his authorized representative, make a test of the accuracy of his meter. When a customer desires, either personally or through a representative, to witness the testing of a meter, he may require a meter to be sealed in his presence before removal, which seal shall not be broken until the test is made in his presence. If the meter so tested shall be found to be accurate within the limits herein specified, the cost for removing, testing and replacing the meter will be paid by the customer requesting such test, but if not so found, then the cost thereof shall be borne by the county.

Article VII: Interim Code for Building Sewer and Water Service Pipe Connections

§ 110-59 Title. This Article shall be known as the "Interim Code for Building Sewer and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer Districts."

§ 110-60 Scope. The provisions of this code shall apply to every water service pipe and building sewer installation connected to county-owned systems, including alterations, repairs and replacements.

§ 110-62 Licensing, bonding and insurance.

A. Before any person, firm or corporation shall engage in the business of installation, alteration or maintenance of any plumbing under the scope of this code, he shall obtain a proper license from the Sussex County Engineer's office. The

license period shall be one year, beginning January 1. To obtain a license from the Engineer, the person, firm or corporation shall:

(1) Show proof that he has been duly registered as a plumber by the State Board of Plumbing Examiners and that he is licensed to do business as a plumber in the State of Delaware.

(2) Obtain and deposit with the Sussex County Engineer's office a bond in the amount of \$5,000, conditioned that the person, firm or corporation engaged in the plumbing business will faithfully observe all the laws and regulations pertaining to that business and that Sussex County and the local governing body shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm or corporation engaged in the plumbing business or by any other unfaithful, inadequate work done either by themselves or their agents or employees and that such person, firm or corporation will maintain in a safe condition for a period of one year all ditches and excavations which may be opened in the performance of any plumbing work and further that all dirt and other material excavated will be replaced in a good condition with similar materials.

(3) Pay an annual license fee in the amount of \$50.

(4) Show proof that he has bodily injury liability and property damage liability insurance to protect him from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from operations under the work, whether such work is done by himself or by anyone directly or indirectly employed by him. The insurance should so state that the Sussex County Engineer's office will be notified 10 days prior to the expiration of the insurance.

B. Such insurance shall not be less than:

(1) Bodily injury liability insurance in an amount not less than \$100,000 for injuries, including wrongful death, to any one person and subject to the same limit for each person in an amount not less than \$300,000 on account of one accident.

(2) Property damage insurance in an amount not less than \$25,000 for damages on account of any one accident and in an amount not less than \$50,000 for damages on account of all accidents.

§ 110-63 Permit required.

A. Any duly licensed plumber who desires to install and connect any work covered under the scope of this code shall first make application to the Sussex County Engineer and obtain the required permit.

B. Application for a permit shall be made by an applicant in the manner and method directed by the Sussex County Engineer. Such information as required shall be provided to complete the application.

C. The application shall be signed by the licensed plumber and the owners of the buildings to be connected.

D. If the Sussex County Engineer or his authorized representative is satisfied that the work described in the application and attached exhibits conforms to the requirements of this code and other pertinent laws and ordinances, he shall sign the application and in doing so grant a permit, which shall be a license to proceed with the work as detailed and specified on the application.

E. When the application is approved and the permit granted, one set shall be returned to the applicant and be kept at the job while work is in progress, and one set shall be retained by the County Engineer as a permanent record.

§ 110-64 Permit fees.

A. The permit fee for each building sewer connection to the public sewer shall be \$100.

B. The permit fee for each water service pipe connection to the public main shall be \$100.

§ 110-65 Installation by homeowner. Nothing in this code shall prevent any building owner or occupant from installing or maintaining a building sewer and/or water service pipe within his own property boundaries, provided that such building sewer and/or water service pipe installation and maintenance is done by himself and is used exclusively by him or his family and is installed and inspected in accordance with the requirements of this code, and provided also that he shall:

A. Obtain a proper permit from the Sussex County Engineer's office.

B. Have a plumber who is licensed by the Sussex County Engineer to install and connect building sewers and water service pipes to the facilities of Sussex County sanitary sewer districts and Sussex County water and sanitary sewer districts comment, in the appropriate space on the permit application, on the suitability of the

building drain vent and make the final connection to the county water meter and/or county sewer house lateral.

§ 110-66 Violations and penalties. Whoever willfully makes any misrepresentation in any application or makes or maintains any connection with any sewer or water main contrary to the authority granted by permits issued therefor by the Sussex County Engineer or without a permit therefor in accordance with the provisions of this code shall be fined not less than \$5 nor more than \$500.

§ 110-67 Building sewers.

A. Material.

(1) The building sewer shall be either:

(a) Service-weight cast-iron soil pipe and fittings per Commercial Standard CS-188. The hub-and-spigot cast-iron soil pipe and fittings shall be joined with a one-piece elastomeric compression-type seal per ASTM C564.

(b) Polyvinyl chloride sewer pipe and fittings per ASTM D-3034-74, Type PSM (SDR-35). Polyvinyl chloride sewer pipe and fittings shall be joined using the gasketed jointed system using a one-piece elastomeric ring per ASTM D-3212-73T as specified and furnished by the pipe and fitting manufacturer.

(2) Only cast-iron soil pipe or polyvinyl chloride sewer pipe encased in at least four inches of concrete shall be used where the building sewer does not have at least 2 1/2 feet of cover and passes under heavily loaded areas such as driveways or under areas not blocked by fencing, trees, shrubs or other reasonably permanent obstructions that would prevent vehicular use.

B. Size. The building sewer shall not be less than four inches nominal size and shall be installed at a uniform fall of not less than one-eighth-inch fall per foot. If one-eighth-inch fall per foot is not obtainable, the sewer size and fall shall be specified by the Engineer.

C. Cleanouts.

(1) Cleanouts shall be not more than 75 feet apart in four-inch building sewers and not more than 100 feet apart in six-inch building sewers and shall be at each change of direction greater than 45°. There shall be a cleanout at the juncture of the building sewer and street lateral consisting of a wye and a one-eighth bend piped to grade. The cleanout pipe and fittings shall not be less than four inches and shall conform to the building sewer piping requirements. The body of the cleanout

ferrule shall conform in thickness to that required for pipe and fittings of the same material. The cleanout plug shall be of brass or plastic with standard tapered pipe threads and have a raised nut or recessed plug.

(2) The cleanout shall be suitably protected from loading by passing through, with clearance for free movement, a casted concrete pad having minimum dimensions of 16 inches in diameter by eight inches thick. A standard approved cast-iron cleanout cover shall be casted in the concrete pad.

(3) There shall be a cleanout near the juncture of the building sewer and building drain which shall be similar to the cleanout located at the property line unless a cleanout with a wye-branch inside the building is employed for this cleanout.

(4) Where one building sewer connects to two or more building drains, there shall be at least a cleanout at the juncture of each building drain and building sewer and at the juncture of the building sewer and the street lateral. Additional cleanouts may be required by the Engineer if in his judgment, they are necessary.

D. Suitability of building drain vent and plumbing fixture traps.

(1) The building sewer must connect to a building drain that is properly vented, and those plumbing fixtures discharging to the building drainage system must be properly trapped. It shall be the responsibility of the licensed plumber installing the building sewer to determine if the building drain is properly vented and all plumbing fixtures are properly trapped in accordance with recognized plumbing codes, such as the Sanitary Plumbing Code for the State of Delaware and Southern Standard Plumbing Code. The building drain vent shall meet the recognized standards prior to connecting the building drain to the building sewer, or, in lieu of meeting such standards, a building trap shall be installed. If installed, the building trap shall be of building drain size and be provided with a cleanout and a relieving vent or fresh-air intake on the inlet side of the trap of at least 1/2 the diameter of the drain. The vent shall be located outside the building above the base flood elevation and terminated in a screened outlet. The plumbing fixtures connected to the building drainage system shall be trapped according to recognized standards prior to connecting the building drain to the building sewer.

(2) Note that it is the intent of these requirements regarding the suitability of the building vent and plumbing fixture traps to ensure that any gases or pressure transients in the public sewer will be relieved through the building vent system and no gases will be discharged to the building through plumbing fixtures with inadequate traps. Standard plumbing codes require that every building in which

plumbing is installed have at least one main vent stack which shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof and in no case be less than three inches in diameter. Standard plumbing codes require that each plumbing fixture shall be trapped. It shall be the responsibility of the installer of the building sewer to determine if the building drain is vented and, if vented, based on his experience and judgment, is adequate. It shall also be the responsibility of the installer of the building sewer to determine if all plumbing fixtures discharging to the building drainage system are properly trapped.

(3) Building drains below a building sewer which cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building's gravity-drainage system by automatic pumping equipment or by any equally efficient method approved by the Engineer.

E. Trenching, installation and backfill.

(1) Trenching, installation and backfill shall be excavated to the desired depth and fall. A template shall be used to detect high spots and holes and fill depressions, and it shall be thoroughly tamped. Care should be taken during the excavation to provide as narrow a trench as practical at a point level with the top of the pipe. When the width of the trench at the base exceeds seven pipe diameters, selected stone backfill shall be used to embed the pipe and fill the trench to about one foot above the pipe.

(2) When mud or water is encountered in the trench, such as may be found by excavation below groundwater, additional precautions shall be taken appropriate to the trenching conditions encountered to ensure that the pipe is bedded true to line and grade with uniform and continuous support from a firm base. Where excessive groundwater conditions exist, the Engineer may require trench pumping, well pointing or other trench-stablizing methods.

(3) Pipe and bed shall be laid in a selected backfill $1/4$ to $1/3$ of the pipe diameter. After the pipe is bedded and checked for fall, but not until inspected and approved, additional backfill shall be placed by shovel at the sides and over the top of the pipe and tamped carefully. Reasonably clean backfill shall be placed and tamped in layers not to exceed six inches to a point 12 inches above the pipe. Backfill shall be completed by any convenient means.

§ 110-68 Protection of drainage system, public sewer and treatment plant.

A. It shall be unlawful for any person to deposit by any means into the building drainage system or into a public sewer any ashes; cinders; unground garbage; rags;

flammable, poisonous or explosive liquids; gasses; oils; grease; or any other material which, in the opinion of the Engineer, would or could obstruct, damage or overload such system or sewer.

B. No stormwater, surface water, groundwater, cooling water or other unpolluted water shall be discharged to the building drainage system. Those drain connections not intended for but liable to permit the entrance of stormwaters, such as outside surface level showers, shall not be connected to the building drain. This does not prohibit the connection of an outside shower or other drain to the building drain, provided that the drain is enclosed, covered and raised and/or protected by curbing to prevent the entrance of stormwater.

C. Commercial or industrial wastes detrimental to the public sewer system or detrimental to the functioning of the sewage treatment plant shall be treated and disposed of as directed by the authority having jurisdiction.

D. Interceptors or separators.

(1) Interceptors or separators shall be provided when, in the opinion of the Engineer they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand and other ingredients harmful to the building drainage system, the public sewer or the sewage treatment plant or processes. The size, type and location of each interceptor or separator shall be approved by the Engineer, and no wastes other than those requiring treatment or separation shall be discharged into any separator.

(2) Oil separators shall be required for all commercial, storage or repair garages; gasoline stations with grease racks, grease pits or wash racks; all motor vehicle laundries; and all factories which have oily and/or flammable wastes as a result of manufacturing, storage, maintenance, repair or testing operations. The facilities shall be provided with all necessary floor drains, sand interceptors, catch basins and oil interceptors.

(3) Sand interceptors shall be required wherever a floor drain discharges through an oil separator and shall be located upstream of the oil separator. Sand interceptors shall be required whenever the discharge of a floor drain may contain solids that would be harmful to the drainage system, public sewer or sewage treatment plant.

(4) Basket-type interceptors shall be required on commercial laundry wastes and shall be equipped with a removable and cleanable basket that will prevent passage into the drainage system of solids 1/2 inch or larger, string, rags or other materials detrimental to the public sewer or sewage treatment plant. Basket- or

special-type interceptors shall be required on food-processing wastes containing or likely to contain solids or semisolids that may clog the drainage system or be otherwise detrimental to the public sewage treatment plant.

§ 110-69 Water service pipe.

A. Material. The water service pipe shall be either of the following:

(1) Ultra-high-molecular-weight polyethylene pipe per ASTM D-2239 (SDR-7) meeting the requirements of Type III, Class C, Category P34, polyethylene as defined in ASTM D-1248 and rated at one hundred sixty pounds per square inch at 73.4° F. and approved by the National Sanitation Foundation for use as a carrier of potable water. The polyethylene pipe joint system shall be equal to the Ford Meter Box Company's "Pack Joint," the Hays Manufacturing Company's "Hays-Tite" or the Mueller Company's "110 Compression Connection." The connection shall be brass and assembled with a stainless-steel pipe liner as specified and furnished by the connector manufacturer.

(2) Polyvinyl chloride Schedule-40 pressure pipe meeting ASTM D1785 and approved by the National Sanitation Foundation for use as a carrier of potable water. The polyvinyl chloride pipe joint system shall be with solvent-weld Schedule-40 polyvinyl chloride fittings using a polyvinyl chloride solvent cement as specified by the pipe and fitting manufacturer and approved by the National Sanitation Foundation for use with potable water.

(3) Type K or L copper water tube per ASTM B88-66. The copper water tube joint system shall be bronze fittings for flared copper tube per ANSI B-16.26.

B. Size. The water service pipe shall be 3/4 inch, one inch, 1 1/2 inches or two inches as required for the service and not less than the water meter outlet connection.

C. Disinfection of water service pipe.

(1) The Engineer or his authorized representative may require that the water service piping be disinfected before it is placed in service if, in his judgment, such action is necessary.

(2) One of the following disinfecting methods shall be used:

(a) The water service pipe shall be filled with a solution of 50 parts per million of available chlorine and allowed to stand six hours before flushing and placing in service.

(b) The water service pipe shall be filled with a solution of 100 parts per million of available chlorine and allowed to stand two hours before flushing and placing in service.

D. Trenching, installation and backfill.

(1) The water service pipe shall not be less than five feet horizontally apart from the building sewer and shall be separated by undisturbed or compacted earth unless all of the following conditions are met:

(a) The bottom of the water service pipe at all points shall be at least 12 inches above the top of the sewer line at its highest point.

(b) The water service pipe shall be placed on a shelf excavated at one side of the common trench.

(c) The number of joints in the water service pipe shall be kept to a minimum.

(2) Where the water service pipe must cross the sewer line, the bottom of the water service pipe, within five feet of the point of crossing, shall be at least 12 inches above the top of the sewer line. Joints shall not be used within five feet of the sewer line.

(3) The building sewer shall be at least 10 feet removed from all wells unless such wells are permanently abandoned.

(4) It shall be excavated to the desired depth and tamped to a uniform surface. When mud or water is encountered in the trench, such as may be found by excavation below groundwater, additional precautions shall be taken appropriate to the trenching conditions encountered to ensure that the pipe has a uniform and continuous support from a firm base. Where excessive groundwater conditions exist, the Engineer may require trench pumping, well pointing or other trench-stabilizing methods.

(5) The pipe shall be uniformly supported throughout the trench by tamped fill. Plastic pipe shall be snaked into the trench to allow for expansion and contraction.

(6) It shall be backfilled with the pipe at a temperature approximating normal operating, temperature of 40° F. to 60° F., running cool water through the pipe if necessary. It shall be backfilled with clean fill free of sharp stones, objects or heavy material.

§ 110-70 Protection of potable water supply.

A. The potable water shall be protected from contamination from any source.

B. There shall be no cross-connection between the potable water service pipe and distribution system and any other source of water.

C. Any building supplied with water from a Sussex County water district supply shall have no other source outlet located within the building.

§ 110-71 Backflow prevention. A backflow-prevention device shall be installed in the water service pipe to every building served by a Sussex County water district. The device shall be located immediately as the water service pipe enters the building and shall be accessible for service. As a minimum requirement, the backflow-prevention device shall consist of a manual shutoff valve followed by a spring-loaded check valve and a pressure-relief valve on the downstream side of the check valve. The pressure-relief valve drain shall be piped full size with no valve or trap to a location where emergency water spillage will create no problem.

§ 110-72 Abandoned septic tanks and cesspools. Abandoned septic tanks and cesspools shall be made safe and harmless by removal or cleaned of sludge and filled completely with any appropriate material such as rubble, gravel or borrow.

§ 110-73 Abandoned wells. Permanently abandoned wells shall be filled and sealed in accordance with the regulations of the State of Delaware Division of Environmental Control.

§ 110-74 Inspections and testing.

A. Plumbing.

(1) All plumbing work installed under the scope of this code shall be inspected to ensure compliance with the code and assure that the installation is in accordance with the approved plans and permit.

(2) It shall be the duty of the installing plumber to give reasonable advance notice to the County Engineer's office when plumbing work is ready for inspection and test. The plumbing shall be deemed ready for inspection and test when the pipe is laid on proper fall and bedded 1/4 to 1/3 of its diameter, with joints properly made and connected to the building.

(3) Prior to inspection and test, the building sewer shall not be connected to the public sewer lateral nor shall the service water pipe be connected to the water meter house connection.

(4) The equipment, material and labor necessary for the inspection and test shall be furnished by the installing plumber.

(5) The plumbing shall not be covered until it has been inspected, tested and approved; it shall be uncovered upon direction.

(6) Upon the satisfactory completion and final test of the plumbing, a certificate of compliance will be issued to the owner by the Engineer.

B. Building sewer test.

(1) The building sewer shall be tested by insertion of a plug or otherwise suitably blanking the point of connection with the sewer lateral. The building sewer shall be filled with water to the level of the lowest trap, and the water shall not show a level drop for a period of 15 minutes.

(2) If the building sewer is approved, the final connection to the street lateral shall be made in the presence of and at the direction of the authorized county inspector, and the pipe shall be covered per § 110-67 of this code.

(3) As an alternate, the building sewer can be connected to the street lateral prior to the test, provided that the connection is made only in the presence of and at the direction of the authorized county inspector.

(4) The test plug will be inserted through the trap to a point near the juncture of the street lateral and building sewer, and the prescribed test will be made.

C. Water service pipe.

(1) The water service pipe shall be tested and proved tight under a pressure not less than the working pressure under which it is to be used. The water used for the test shall be potable water from the house service connection and shall be supplied to the water service pipe only in the presence of and at the direction of the authorized county inspector.

(2) If the water service pipe is approved, the pipe shall be covered per § 100-69 of this Article.

Article VIII: Inspectors

§ 110-75 Right of entry; inquiries into processes.

A. The Engineer and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all properties for the

purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part 1.

B. The Engineer or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic or paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 110-76 Observance of safety rules by inspectors; indemnification of company.

While performing the necessary work on private properties, the Engineer or duly authorized employees of the county shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the county employees, and the county shall indemnify the company against loss or damage to its property by county employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

§ 110-77 Entry and work on easements. The Engineer and other duly authorized employees of the county bearing proper credentials and identification shall be permitted to enter all private properties through which the county holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works or waterworks lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Article IX: Penalties

§ 110-78 Violations and penalties.

A. Any person found to be violating or in violation of any provision of this Part 1, except Article **III**, shall be fined not less than \$50 nor more than \$500 for each violation.

B. Any person found to be violating or in violation of Article **III** of this Part 1 shall be served by the county with written notice stating the nature of the violation and providing a time limit, not to exceed 30 days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

C. Any person who shall continue any violation as covered in Subsection **A** of this section who shall continue any violation covered in Subsection **B** of this section beyond the time limit provided shall be fined not less than \$50 nor more than \$500 for each day in which any such violation shall continue.

§ 110-79 Liability for expenses caused by violation. Any person violating any of the provisions of this Part 1 shall become liable to the county for any expense, loss or damage occasioned the county by reason of such violation.

§ 110-80 Civil action. Notwithstanding § 110-78C, equitable relief may be sought by the filing of a civil action in the Court of Chancery to initiate an injunction, mandamus, abatement or any other appropriate action. The laws of the State of Delaware shall regulate civil proceedings relevant to this Part **1**.

Article X: Definitions

§ 110-81 Terms defined.

A. As used in this Part 1, the following terms shall have the meanings indicated:

AIR GAP The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

APPROVED Accepted or acceptable under an applicable specification cited in this code or accepted as suitable for the proposed use under procedures and powers of the Engineer.

BACKFLOW The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources.

BACKFLOW PREVENTER A device or means to prevent backflow.

BACKSIPHONAGE The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

BOD (denoting "biochemical oxygen demand") The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING A structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

BUILDING DRAIN That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point directly outside of the building and to the building sewer.

BUILDING SEWER That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

BUILDING TRAP A device, fitting or assembly of fittings installed in the building drain to prevent circulation of air between the drainage system of the building and the building sewer.

CESSPOOL A lined and covered excavation in the ground which receives the discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids but permitting the liquids to seep through the bottom and sides.

CODE When used alone, these regulations, subsequent amendments or any emergency rule or regulation which the Engineer may lawfully adopt.

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CRITICAL LEVEL The "critical level" marking on a backflow prevention device or vacuum breaker is a point established by the manufacturer which determines the minimum elevation above the flood level rim of the fixture or receptacle served at which the device may be installed. When a backflow-prevention device does not bear a "critical level" marking, the combination valve, the bottom of the vacuum breaker or the bottom of any approved device shall constitute the "critical level."

CROSS-CONNECTION Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other.

CUSTOMER Any person, firm, corporation or organization supplied with water by a Sussex County water district.

DRAINAGE SYSTEM Includes all the piping within public or private premises which conveys sewage or other liquid wastes to a point of disposal. It does not include the mains of a public sewer or sewage treatment plant.

ENGINEER or COUNTY ENGINEER The Sussex County Engineer or his authorized agent or representative.

FALL The slope of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the "fall" in a fraction of an inch per foot length of pipe.

FLUSHOMETER A device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

INTERCEPTOR A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit the normal waste to discharge into the drainage system by gravity.

INDUSTRIAL WASTES Liquid or liquid-borne wastes resulting from the processes employed in commercial and industrial establishments.

MAIN VENT The principal artery of the venting system, to which vent branches may be connected.

NATURAL OUTLET Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON Any individual, firm, company, association, society, corporation or group.

POTABLE WATER Water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.

SANITARY SEWER A sewer which carries sewage and to which storm- surface and ground waters are not intentionally admitted.

SEPARATOR See "interceptor."

SEPTIC TANK A watertight receptacle which receives the discharge of a drainage system and is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention and allow the liquids to discharge into the soil outside of the tank through a system of open-joint or perforated piping or disposal pit.

SEWAGE A combination of the water-carried wastes from residences, business buildings institutions and commercial and industrial establishments.

SEWER A pipe or conduit for carrying sewage.

TRAP A fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or wastewater through it.

VACUUM BREAKER A device which prevents backsiphonage of water by admitting atmospheric pressure through ports to the discharge side of device.

VENT STACK A vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system.

VENT SYSTEM (VENTED) A system of pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

WATER MAIN A water supply pipe for public use.

WATER SERVICE PIPE The pipe from the water main or other source of potable water supply to the water distribution system of the building served.

B. "May" is a permissive word; "shall" is a mandatory term.

PART 2: EXTENSION OF PUBLIC AND/OR SEWER SYSTEMS

Article XI Procedures

§ 110-82 Authorization for extensions; responsibility for costs.

A. Upon written application, the county may permit construction of permanent water systems or sanitary sewer systems where no existing water main or sewer is available.

B. The developer of such property requesting the construction of a new water or sewer system or the extension of the existing water or sewer system shall pay all or a proportion, as determined by county policy, of the total cost of water and/or sewer facilities to be constructed. Such facilities include all wastewater collection and/or water distribution mains and, if applicable, the proportion of water and/or sewerage transmission and treatment/storage facilities required to serve the development. At the option of the county, the developer may install and dedicate the facilities to the county and pay to the county its costs or pay the county a sufficient sum to reimburse

the county for the total costs of water and/or sewer facilities to be constructed and the other costs to the county. Regardless of whether the developer or the county undertakes the construction, the cost to be reimbursed to the county shall include engineering, legal fees, interest during construction, administrative costs, inspection expense and other construction-related overhead costs. Administrative costs shall include the sums expended by the county for the extension of sanitary sewer or water district boundaries, expenses incurred in reviewing plans and costs of sewer or water installations and extensions and conducting negotiations.

C. If, at the option of the county, the developer installs the new water or sewer system or the extension of the existing water or sewer system, the construction shall be inspected for compliance with the project construction permit by the County Engineer or by a consulting engineer selected by the County Engineer, and the cost thereof shall be reimbursed to the county.

§ 110-83 Easements; size of system.

A. Construction or extension of water or sewer facilities shall be made pursuant to grants of easements obtained at the sole expense of the developer.

B. Size.

(1) The developer shall be required to construct all facilities large enough to provide service to his development. If the county requires a developer to install a water or sewer system of a size and/or capacity larger than is required to provide water or collect waste for the area under development, with such excess capacity as determined by the county, an agreement for the reimbursement of the cost of such oversizing will be made with the owner of the area under development.

(2) In order to determine the reimbursement of the cost of such oversizing, the developer shall provide an initial cost estimate at the commencement of the project and final actual costs at the completion of the project for the cost of those sewer and/or water facilities designed and sized to serve the developer's proposed development and the total costs of the sewer or water system designed and sized as required by the county. The amount eligible to be reimbursed to the developer for oversizing will be based on the total actual cost of the oversized sewer and/or water facilities less the cost of the sewer and/or water facilities sized solely to serve the new development. The total cost of the oversized sewer and/or water facilities required by the county shall be certified by the developer's engineer and shall be subject to review by the County Engineer or the consulting engineer of his selection. The amount of reimbursement which shall be made to the developer shall first be paid as credits on the amount of transmission connection charge due from the

developer at the time of connection pursuant to § 110-91 of the Sussex County Code. To the extent that the amount of reimbursement exceeds the amount of the transmission connection charge, then the developer and the County Engineer shall negotiate the time and method of reimbursement to the developer. To the extent that the reimbursement is less than the amount of the transmission connection charge due from the developer, the difference shall be paid by the developer to the county in compliance with the requirements of § 110-91 of the Sussex County Code.

§ 110-84 Project construction permit. Prior to the commencement of any construction of water or sanitary sewer facilities under this Part 2, the developer shall obtain a project construction permit from the county. Said permit shall not be issued until the following requirements have been met by the developer:

A. Submission of plans and specifications for the proposed construction certified by a registered professional engineer, with said plans and specifications being subject to approval by the county.

B. Submission of a letter of application and affirmation of cost for review and approval by the county.

C. Submission of evidence that all required easements have been approved and recorded.

D. Payment of a construction, administration and inspection fee is required. This fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

E. Payment of the engineering fees for engineering design review is required. This fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

§ 110-85 Conveyance of title and interest to county. Upon completion of construction of the water or sanitary sewer facilities and final approval of the same by the county, the applicant shall convey all of its right, title and interest in and to said water and/or sewer facilities to the county, free and clear of any and all liens, claims, charges and encumbrances attaching thereto. Said transfer of the right, title and interest in and to said water or sewer facilities shall be accomplished by such documentation as to the County Attorney shall seem necessary and appropriate.

PART 3: SEWER AND WATER ASSESSMENTS AND SERVICE CHARGES

Article XII: General Provisions

§ 110-86 Definitions and word usage.

A. As used in this Part 3, the following terms shall have the meanings indicated:

BOD (denoting "biochemical oxygen demand") The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed in milligrams per liter.

BUILDING A structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals or property.

COLLECTION That portion of the annual assessment fee, as determined by the county, which is applicable to designing, acquiring and constructing those sanitary sewer facilities whose major use is collecting wastewater from individual units.

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DISTRIBUTION That portion of the annual assessment fee, as determined by the county, which is applicable to designing, acquiring and constructing those water facilities whose major use is distributing water to individual units.

DWELLING A structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals or property.

EASEMENT A right acquired by public authority to use or control property for a designated use. An "easement" restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

EQUIVALENT DWELLING UNIT (EDU) An arbitrary term used to express the load-producing effects on the water system and/or sewerage system caused by one dwelling place.

FIXTURE UNIT (FU) A quantity in terms of which the load-producing effects on the water system and/or sewerage system of sanitary fixtures are expressed on some arbitrarily chosen scale.

LOT An area of land measured, surveyed and plotted and set apart for separate use and occupancy.

MULTIPLE LIVING UNIT A condominium unit, townhouse unit, apartment unit, hotel or motel room, manufactured home site, campground site, travel trailer site and all other types of living units located on a single lot or parcel.

PARCEL An area of land measured, surveyed and plotted and set apart, which may be a lot or may include one or more plotted lots.

RIGHT-OF-WAY A legal right of passage over another person's ground acquired by public authority.

SEWERAGE SYSTEM All facilities for collecting, pumping, treating and disposal of sewage.

STREET A public or private thoroughfare which affords the principal means of access to abutting property having a minimum right-of-way width of 50 feet or, prior to the enactment of the Sussex County Subdivision Ordinance by the Sussex County Council on January 1, 1977, having a right-of-way width as platted of record in the office of the Recorder of Deeds in and for Sussex County.

STREET FOOTAGE Assessable parcel or lot footage measurement as determined in this Part 3 and by the Official Sussex County Property Map.

SUSPENDED SOLIDS Solids that flat on or are suspended in water, sewage or industrial wastes and which are removable by a laboratory filtration device, expressed in milligrams per liter.

TRANSMISSION AND TREATMENT That portion of the annual assessment fee as determined by the county which is applicable to the designing, acquiring and constructing of water facilities whose major use is transmitting water to distribution lines, storing and/or treating water and pumping; and sanitary sewer facilities whose major use is transmitting and pumping wastewater to the treatment plant and treating and discharging the wastewater.

WATER SYSTEM All facilities for supplying, treating, storing, transmitting, distributing and measuring water.

B. "May" is a permissive word; "shall" is a mandatory word.

Article XIII: Sewer and Water Assessments

§ 110-87 Annual assessment roll.

A. The Sussex County Council each year shall, after a public hearing, establish an annual assessment roll for the sanitary sewer or water district, which shall be known as the "sanitary sewer district assessment" or "water district assessment."

B. Notice of the public hearing shall state that the assessment roll has been completed and filed and that, at the time and place fixed for the public hearing, the

county government will meet and hear and consider any objections which may be made to the assessment roll. Notice of the public hearing shall be published in a newspaper published within Sussex County and having a general circulation in the county once in each of the two weeks immediately preceding the week in which the public hearing is to be held.

C. After holding the public hearing, the county government may change or amend the assessment roll as it deems necessary or just and may confirm and adopt the assessment roll as originally proposed or as amended and changed.

§ 110-88 Annual assessment fees. The annual sanitary sewer assessment fee and/or annual water assessment fee shall be established for each sanitary sewer district and/or water district. Annual assessment fees shall be based on a proportion, as determined by the county, of the total amount required each year to reimburse the county for sums to be expended for retiring bonds and/or notes which have been issued or capital expenditures for a sanitary sewer district or a water district to design, acquire and construct a respective sewerage system or a respective water system. The amount required from each district to reimburse the county shall be equally proportioned to the assessable footage in the district.

§ 110-89 (Reserved)

§ 110-90 Plant connection charge.

A. As a reimbursement for past sums expended for retiring bonds and/or notes which have been issued for a sanitary sewer district to design, acquire and construct a respective sewerage plant which consists of a sewage treatment and disposal system or a respective water well, treatment and storage system, and as a contribution of capital toward the future expansion or replacement of water or sewage treatment and/or disposal facilities, the plant connection charge shall be applicable to the following list of structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter, which will use the water or sewage treatment facilities leased or owned by the county. The plant connection charge shall apply to each dwelling(s) or building(s) located on a lot or parcel, and to each other establishment or facility to which EDU's are assigned pursuant to this chapter:

(1) In a new water or sanitary sewer district, where existing water or sewage treatment and/or disposal facilities are utilized.

(2) In an existing water or sanitary sewer district that previously could not connect to a water or sanitary sewer main or which may have otherwise been

previously exempt from payment of water or sanitary sewer assessments under § **110-94** of this Part **3**.

(3) In a new water or sanitary sewer district where there are no existing water or sewage treatment and/or disposal facilities utilized, and when such structure(s) is assessed more than one equivalent dwelling unit (EDU) to the extent that such assessment exceeds one EDU.

(4) In an existing or new water or sanitary sewer district when such structure(s) is expanded or reconstructed to the extent that the revised number of EDU's exceed the EDU assignment prior to such expansion or reconstruction.

(5) To all new connections in an existing water or sanitary sewer district.

B. Such plant connection charge shall be based on a proportion, as determined by the county, of amounts sufficient to compensate the county for all or a proportion, as determined by the county, of the total amount required to reimburse the county for previous sums expended for retiring bonds and/or notes which were issued to plan, design, acquire and construct a sewerage or water system and/or the capital costs required to plan, design, acquire, construct or replace facilities to serve users of the water or sewage treatment and disposal system. The amount required from dwellings, structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter subject to the plant connection charge to compensate the county shall be based upon the number of EDU's as determined in Article **XIV** of this Part **3** and the amount to be recovered by the charge as determined by the county. Any increase in the number of EDU's shall result in the assessment of additional plant connection charge(s).

C. The plant connection charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service and shall be billed and payable in a manner determined by the county. The plant connection charge shall be a lien on the property and shall be collected by the county as are other county taxes. The properties against which such connection charges are levied shall be liable for the payment of the connection charges in the same manner as they are liable for other county taxes.

D. For purpose of development and application of a plant connection charge, such fee may be combined with the transmission connection charge into an overall system connection charge.

§ 110-91 Transmission connection charge.

A. As a reimbursement for past sums expended for retiring bonds which have been issued for a sanitary sewer district or a water district to design, acquire and construct a respective sewage transmission system or a respective water transmission system and as a contribution of capital toward the future expansion or replacement of water or sewage transmission facilities, the transmission connection charge shall be applicable to the following list of structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter, which will use the water or sewage transmission facilities leased or owned by the county. The transmission connection charge shall apply to each dwelling(s) or building(s) located on a lot or parcel, and to each other establishment or facility to which EDU's are assigned pursuant to this chapter:

(1) In a new water or sanitary sewer district, where existing water or sewage treatment and/or disposal facilities are utilized.

(2) In an existing water or sanitary sewer district that previously could not connect to a water or sanitary sewer main or which may have otherwise been previously exempt from payment of water or sanitary sewer assessments under § 110-94 of this Part 3.

(3) In a new water or sanitary sewer district where there are no existing water or sewage treatment and/or disposal facilities utilized, and when such structure(s) is assessed more than one equivalent dwelling unit (EDU) to the extent that such assessment exceeds one EDU.

(4) In an existing or new water or sanitary sewer district when such a structure(s) is expanded or reconstructed to the extent that the revised number of EDU's exceed the EDU assignment prior to such expansion or reconstruction.

(5) To all new connections in an existing water or sanitary sewer district.

B. Such transmission connection charge shall be based on a proportion, as determined by the county, of amounts sufficient to compensate the county for all or a proportion, as determined by the county, of the total amount required to reimburse the county for previous sums expended for retiring bonds which were issued to plan, design, acquire and construct a sewerage or water system and/or the capital costs required to plan, design, acquire, construct and replace facilities to serve users of the water or sewage treatment and disposal system. The amount required from dwellings, structures or other establishments or facilities to which EDU's are assigned pursuant to this chapter subject to the transmission connection charge to compensate the county shall be based upon the number of EDU's as determined in Article XIV of this Part 3 and amount to be recovered by the charge as determined

by the county. Any increase in the number of EDU's shall result in the assessment of additional transmission connection charge(s).

C. The transmission connection charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service and shall be billed and payable in a manner determined by the county. The transmission connection charge shall be a lien on the property and shall be collected by the county as are other county taxes. The properties against which such connection charges are levied shall be liable for the payment of the connection charges in the same manner as they are liable for other county taxes.

D. For the purpose of development and application of a transmission connection charge, such fee may be combined with the plant connection charge into an overall system connection charge.

§ 110-92 Street footage measurements. Separate street footage measurements for collection/distribution and transmission and treatment purposes shall be completed for every assessable lot or parcel in each district.

A. Street footage for collection/distribution purposes. Street footage for collection/distribution purposes for every assessable lot or parcel in each district shall be computed by the procedures enumerated:

(1) Where the parcel contains two or more recorded lots, the street footage measurement for the parcel shall be the total of the street footage measurements of those lots within the parcel, except that, where two or more adjacent lots are set apart and occupied and used for the same purpose, the street footage measurement shall be determined by the total measurements of the lots set apart.

(2) A lot or parcel in a street with one side only footing the street shall be assessed the total street footage.

(3) A lot or parcel on two or more streets shall be assessed the total street footage of the shortest side of the lot or parcel.

(4) A lot or parcel is a lot or parcel fronting two or more streets when the angle of the extended street center line is 135° or less, and it shall be assessed as a lot or parcel on two or more streets.

(5) A lot or parcel abutting water shall be assessed on deed dimension or as measured on the Official Sussex County Property Map.

(6) A lot or parcel on a cul-de-sac shall be assessed the total street footage.

(7) Where a lot or parcel configuration contains an arc, the length of the arc shall be used as street footage measurements. When an arc forms a lot or parcel corner, the center of the measured arc shall constitute the corner.

(8) When a lot or parcel has an easement across it by any public authority, the easement shall have no bearing on the assessment. When a lot or parcel has a right-of-way across it by any public authority, the right-of-way shall be deducted from the lot or parcel dimension.

(9) In no case shall a lot, parcel or other individually owned property be assessed less than 40 feet.

(10) Where a lot or parcel contains multiple living units or building(s) and/or dwelling(s) with a number of assigned equivalent dwelling units greater than one, which is served by a county sewage or water system, the lot or parcel shall be assessed on the assessable footage of streets within the lot or parcel and abutting the public street or the number of assigned equivalent dwelling units times 40, whichever is greater.

(11) A lot or parcel shall be considered irregular in shape when the area of the lot or parcel is in proportion $\frac{1}{2}$ or less of the area of a rectangular- or square-shaped lot or parcel having the same actual total street footage dimension and the same maximum depth dimension as the lot or parcel being considered as irregular in shape. The maximum depth dimension shall be measured perpendicular to the actual total street footage dimension and shall not be located for any portion outside of the physical boundaries of the lot or parcel being considered as irregular in shape. An irregular-shaped lot or parcel shall be assessed a total footage assessment equal to the area of the lot or parcel divided by the maximum depth of the lot or parcel as defined herein.

(12) Those lots or parcels designated as wetlands by state authority and requiring a proper permit prior to being improved shall not be assessed until such time as a permit is obtained.

(13) Any lot or parcel reduced in size, by reason of acquisition by public authority, beyond that required by existing Zoning Ordinances for a structure to be built shall not be assessed.

(14) Notwithstanding the provisions of Subsection A(1) through (13) of this section, computed street footage measurements for a lot or parcel may be adjusted as necessary to assure that each lot or parcel is assigned a reasonable assessment, in

the opinion of the County Engineer, for its responsibility in water or sewer facilities available in providing service to such lot or parcel.

B. Street footage for transmission and treatment purposes. Street footage for transmission and treatment purposes for every assessable lot or parcel in each district shall be computed by the procedures enumerated:

(1) Where a parcel contains two or more recorded lots, the street footage measurement for the parcel shall be the total of the street footage measurements of those lots within the parcel, except that, where two or more adjacent lots are set apart and occupied and used for the same purpose, the street footage measurement shall be determined by the total measurements of the lots set apart.

(2) A lot or parcel in a street with one side only footing the street shall be assessed the total street footage.

(3) A lot or parcel on two or more streets shall be assessed the total street footage of the shortest side of the lot or parcel.

(4) A lot or parcel is a lot or parcel fronting two or more streets when the angle of the extended street center line is 135° or less, and it shall be assessed as a lot or parcel on two or more streets.

(5) A lot or parcel abutting water shall be assessed on deed dimension or as measured on the Official Sussex County Property Map.

(6) A lot or parcel on a cul-de-sac shall be assessed the total street footage.

(7) Where a lot or parcel configuration contains an arc, the length of the arc shall be used as street footage measurements. When an arc forms a lot or parcel corner, the center of the measured arc shall constitute the corner.

(8) When a lot or parcel has an easement across it by any public authority, the easement shall have no bearing on the assessment. When a lot or parcel has a right-of-way across it by any public authority, the right-of-way shall be deducted from the lot or parcel dimension.

(9) In no case shall a lot, parcel or other individually owned property be assessed less than 40 feet.

(10) Where a lot or parcel contains multiple living units or building(s) and/or dwelling(s) with a number of assigned equivalent dwelling units greater than one, which is served by a building sewer or water service pipe, the lot or parcel shall be

assessed the actual lot or parcel assessment by street footage dimensions or the number of assigned equivalent dwelling units times 40, whichever is greater.

(11) Where a lot or parcel contains multiple living units or building(s) and/or dwelling(s) with a number of assigned equivalent dwelling units greater than one, which is served by a county sewerage system or water system, the lot or parcel shall be assessed on the assessable footage of streets within the lot or parcel and abutting the street or the number of assigned equivalent dwelling units times 40, whichever is greater.

(12) A lot or parcel shall be considered irregular in shape when the area of the lot or parcel is in proportion 1/2 or less of the area of the rectangular- or square-shaped lot or parcel having the same actual total street footage dimension and the same maximum depth dimension as the lot or parcel being considered as irregular in shape. The maximum depth dimension shall be measured perpendicular to the actual total street footage dimension and shall not be located for any portion outside of the physical boundaries of the lot or parcel being considered as irregular in shape. An irregular-shaped lot or parcel shall be assessed a total footage assessment equal to the area of the lot or parcel divided by the maximum depth of the lot or parcel as defined herein.

(13) Those lots or parcels designated as wetlands by state authority and requiring a proper permit prior to being improved shall not be assessed until such time as a permit is obtained.

(14) Any lot or parcel reduced in size, by reason of acquisition by public authority, beyond that required by existing Zoning Ordinances for a structure to be built shall not be assessed.

(15) Notwithstanding the provisions of Subsection **B(1)** through **(14)** of this section, computed street footage measurements for a lot or parcel may be adjusted as necessary to assure that each lot or parcel is assigned a reasonable assessment, in the opinion of the County Engineer, for its responsibility in water or sewer facilities available in providing service to such lot or parcel.

§ 110-93 Collection of assessment fees.

A. The annual sanitary sewer assessment fee or water assessment fee shall be a lien on the property and shall be collected by the county government as are other county taxes. The properties against which such assessments are levied shall be liable for the payment of the assessments in the same manner as they are liable for other county taxes.

B. A lot or parcel, whether vacant or occupied, shall become liable for a sanitary sewer assessment fee or water assessment fee when a connection from the main sewer or water main is or can be made to the lot or parcel.

C. The annual sanitary sewer assessment fee or the annual water assessment fee shall be billed and collected on a regularly scheduled basis established by the county.

§ 110-94 Property exempt from assessment.

A. No assessment shall be made against any property during the period in which it is not subject to taxation and assessment for county and municipal purposes. Should the property become subject to taxation and assessment for county and municipal purposes, then the connection charges more fully defined in §§ **110-90** and **110-91** of this Part **3** shall be levied as a result of and for the period of the exemption.

B. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. §§ 8330 through 8337, inclusive. Should that portion of a parcel no longer qualify for such agricultural, horticultural or forest uses, then the connection charges more fully defined in §§ **110-90** and **110-91** of this Part **3** shall be levied as a result of and for the period of the exemption.

§ 110-95 Adjustment of assessment.

A. In the case where a sanitary sewer or water district shall include areas wherein sanitary sewer or water systems have been constructed under the authority of the county government or by municipalities, corporations or individuals, the necessary adjustments shall be made with each property owner for those costs already incurred by the property owner when those sewers and water systems were constructed. Such excess costs shall be credited to assessments levied by the county.

B. Where a condition on which an original assessment was based changes, such as lot or parcel division, street construction or construction of multiple-dwelling buildings, then that lot or parcel will be reassessed and liable for the revised assessment.

Article XIV: Service Charges

§ 110-96 Establishment of annual service charges; determination of amount of charge.

A. A sanitary sewer service charge or a water service charge shall be established each year for each sanitary sewer district or water district.

B. Sufficiency of charges.

(1) The sanitary sewer service charge shall be sufficient to reimburse the county for sums to be expended for operating, maintaining and improving the sewerage system and for a proportion, as determined by the county, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the sewerage system.

(2) The water service charge shall be sufficient to reimburse the county for sums to be expended for operating, maintaining and improving the water system and for a proportion, as determined by the county, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the water system.

C. The amount required each year for sewer or water service charges shall be based upon the equivalent dwelling units defined herein and upon the provisions of §§ 110-97 and 110-98 of this Part 3.

D. Equivalent dwelling units (EDU's) shall be determined as enumerated below.

Type of Establishment	Number of EDU's
House or dwelling with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen	1.0
Dwelling with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen and attached to other dwellings or structures	1.0
Manufactured home with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen	1.0
Apartment with 1 kitchen and 1 or more baths and bedroom(s) separate from kitchen	1.0
Efficiency unit or a rental vacation cottage having a living space in 1 room and having 1 bath	0.6
Motel or hotel room without kitchen and with bath	1/3
Gas station with 1 service bay	2.0
Each additional gas station service bay in excess of 1	1.0
Retail store(s) building(s) 0.10 GPD/SF, 300 GPD = 1 EDU	1.0 minimum per building
Laundromat, 300 GPD/washer, 300 GPD = 1 EDU	6.0 minimum
Office units, 0.3 GPD/SF, 300 GPD = 1 EDU	1.0 minimum per building

Type of Establishment**Number of EDU's**

Car wash

Self-service	1.0 per stall
Self-service and recycling water	0.2 per stall
Semi-automatic (mechanical without conveyor)	5.0 per stall
Semi-automatic (mechanical without conveyor) conserving and recycling water	1.2 per stall
Automatic with conveyor	33.0 per lane
Automatic with conveyor conserving and recycling water	13.6 per lane

E. Establishments listed below in Subsection **E(3)** shall be assigned equivalent dwelling units (EDU's) as multiples of a basic dwelling house having an assignment of one equivalent dwelling unit (EDU).

(1) A basic dwelling house shall be considered as:

- (a)** One sink: two fixture units.
- (b)** One toilet: two fixture units.
- (c)** One lavatory: one fixture unit.
- (d)** One bath or shower: one fixture unit.

(2) One equivalent dwelling unit shall be equal to six fixture units. For assessment purposes, fixture units shall be assigned as follows. A minimum of one equivalent dwelling unit will be assigned.

- (a)** Sink: two fixture units.
- (b)** Washstand or lavatory: one fixture unit.
- (c)** Toilet: two fixture units.
- (d)** Bath and shower: one fixture unit.
- (e)** Mop sink or service sink: one fixture unit.
- (f)** Flush urinal: one fixture unit.
- (g)** Continuous flush urinal: three fixture units.
- (h)** Convenience outlet: one fixture unit.
- (i)** Domestic dishwasher: one fixture unit.
- (j)** Commercial dishwasher: three fixture units.
- (k)** Drinking fountain: one fixture unit.
- (l)** Garbage disposal: one fixture unit.
- (m)** Washing machine: one fixture unit.
- (n)** Faucet: one fixture unit.

(o) Floor drain: one fixture unit.

(3) Enumeration of establishments.

(a) Churches and attached facilities and buildings.

(b) Fire stations.

(c) Convention halls and public gathering places.

(d) Municipal buildings.

(e) Bus stations and other public depots.

(f) Marinas with sanitary facilities for employees only.

F. Establishments listed below shall be assigned equivalent dwelling units (EDU's) as a fixed number of equivalent dwelling units plus a number of equivalent dwelling units based on the number of fixture units (FU's).

Type of Establishment

Number of EDU's

Drive-in food service

1 EDU + FU/6 EDU's

Delicatessen, eat-in and take-out

1 EDU + FU/6 EDU's

Bars and lounges with no food service

1 EDU/150 seats + FU/6 EDU's

Restaurants and eating places, including combination eat-in and take-out and eating places with bar(s)

1 EDU/50 seats + FU/6 EDU's

Gas station with no service bay

FU/6 (1 EDU minimum)

Marina without boat waste-pumping facilities

1 EDU/200 boat slips + FU/6 EDU's

Marina with boat waste-pumping facilities

1 EDU/ 100 boat slips + FU/6 EDU's

Campgrounds and recreational vehicle parks with waste-handling and/or water facilities

1 EDU/4 sites + FU/6 EDU's

Campgrounds and recreational vehicle parks without waste-handling and water facilities

1 EDU/8 sites + FU/6 EDU's

Theaters, indoor

1 EDU/60 seats

Theaters, outdoor

1 EDU/30 spaces

G. Equivalent dwelling units shall be assigned to establishments not covered in Subsections **D**, **E(3)** and **F** above to assure that each establishment, in the opinion of

the County Engineer, is given a reasonable assignment compatible with its responsibility in water or sewer facilities providing service to each establishment.

H. If an establishment does not have any physical facilities which have a load-producing effect on the water system or the sewerage system, then its number of equivalent dwelling units assigned shall be zero.

I. The number of EDU's assigned an establishment may be changed if there is a change in any of the considerations, such as size or use of facilities, used in assigning the EDU's originally.

J. Notwithstanding anything contained in this section to the contrary, utilizing equipment manufacturer's specifications, the County Engineer may adjust the EDU assessment for commercial laundromats or commercial car washes assigned in § 110-96D.

§ 110-97 Basis for water service charge.

A. In the form and content determined to be appropriate by the county, the water service charge shall be developed based upon consideration of such factors as volume, capacity or peak rates of water use and the number of equivalent dwelling units assigned to the users of the water system.

B. Where a property subject to a water service charge is equipped with a water meter, the portion of the service charge related to water consumption may be based on or computed on the consumption of water as indicated by the water meter. For properties not served by a water meter or where metered water consumption is not known, an estimated quantity of water use associated with the number of equivalent dwelling units assigned to the property shall be used in lieu of metered water consumption.

§ 110-98 Basis for sewer service charge.

A. In the form and content determined to be appropriate by the county, the sewer service charge shall be developed based upon consideration of such factors as volume, capacity or peak rates of flow, sewage strength and the number of equivalent dwelling units assigned to the users of the sanitary sewer district. In the development of the sewer service charge, consideration shall also be given to complying with regulations of the United States Environmental Protection Agency pursuant to Public Law 92-500, as amended.

B. Where a property subject to a sewer service charge is equipped with a water meter, the portion of the sewer charge related to water consumption may be based on or computed on the consumption of water as indicated by the water meter. The quantity of water consumed shall be presumed to be the same as the volume of wastewater discharged to the sanitary sewer system. For properties not served by a water meter or where metered water consumption is not known, an estimated quantity of water use associated with the number of equivalent dwelling units assigned to the property shall be used in lieu of metered water consumption.

C. The sewer service charge shall also include a surcharge for discharging any wastes into the sanitary sewer system which exceed the maximum values of polluting materials established by a surcharge formula. Surcharges shall be based upon the volume and concentration of flow discharged to the sanitary sewer multiplied by factors expressing the costs of treating the constituents covered by the formula.

(1) The amount of surcharge will be determined from the following formula:

$$S = V_s \times 8.34 R_b (C_b - 250) + R_s (C_s - 250)$$

Where

S = Surcharge in dollars.

V_s = Volume of sewage in millions of gallons discharged to the sanitary sewer system.

8.34 = Pounds per gallon of water.

R_b = Unit rate for biochemical oxygen demand (BOD) in dollars per pound.

C_b = BOD strength index in milligrams per liter by weight.

R_s = Unit rate for suspended solids in dollars per pound.

C_s = Suspended solids strength index in milligrams per liter by weight.

250 = Allowable BOD and suspended solids strength in milligrams per liter.

(2) The volume of sewage and the BOD and suspended solids concentrations of the sewage contributed by a user of the system shall be determined in a manner considered to be appropriate by the County Engineer.

(3) Notwithstanding the formula stated in Paragraphs (1) and (2) herein, where deemed appropriate and necessary by the County Engineer, the amount of the surcharge may be determined by a formula to be set by contract between

the county and any municipality or other operator of a wastewater treatment facility.

§ 110-99 Adjustment of sewer service charge for water not reaching sewer.

Where the service charge is based on metered water consumption, an exemption may be made for that portion of water consumed on a property that does not reach the sewerage system. An exemption shall be granted, provided that the owner of the property subject to the sewer service charge:

- A.** Makes written application to the county requesting an exemption of that portion of water consumed not reaching the sewerage system.
- B.** Pays the necessary cost to have one or more additional separate water meters installed so that one or more water meters will measure only the water consumed on the property and subject to the service charge.
- C.** Rearranges the water piping, if necessary, on the property, so that it is not possible to interconnect the water piping for the water to be exempt from the sewer service charge with the water piping carrying water which would reach the sewer.

§ 110-100 Collection of service charges.

- A.** The sanitary sewer service charge or the water service charge shall be billed and collected on a regularly scheduled basis established by the county.
- B.** A sanitary sewer service charge or a water service charge shall be charged to any person contracting for direct or indirect connection with or the use or services of the respective sewerage system or the respective water system. Such sanitary sewer service charges or water service charges shall be charged to and collected from any person contracting for such connection or use or service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the respective sewerage system or the respective water system. and the owner or occupant, or both of them, of any such real property shall be liable for and shall pay such respective sanitary sewer service charges or water service charges to the county.
- C.** Property shall be subject to a sanitary sewer service charge or a water service charge when the property is connected to the county's sewerage system or water system or 60 days following the date of official notice from the county to connect to

the sewerage or water system, and such service charge shall be prorated for that regularly scheduled period in which the service charge is commenced.

§ 110-101 Failure to pay charges when due.

A. In the event that a service charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the county on the unpaid balance at the rate of 1% simple interest per month or any fraction thereof until the service charge and interest thereon shall be fully paid to the county.

B. In the event that any service charge with respect to any parcel of real property is not paid as and when due, the county government may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage or water system to be cut and shut off until the service charge and any subsequent service charges with regard to such lot or parcel and all interest accrued thereon are fully paid.

§ 110-102 Additional sewer laterals or water services.

A. More than one sewer lateral or water service may be provided by the county for each lot or for each two or more adjacent lots set apart and occupied and used for the same purpose, provided that the owner of the lot(s) requests such additional sewer lateral(s) or water service(s). The charge for such additional sewer lateral(s) or water service(s) shall be set by the county and shall be the actual cost of labor and material at the time of installation plus county overhead cost. Such charges will be billed and due prior to work beginning and will be based on the estimated cost of the work to be performed. The charge will be adjusted when final costs are available, and any additional costs will be billed and due at that time.

B. In the event that a charge is not paid as and when due, interest shall accrue and be due to the county on the unpaid balance at the rate of 1% simple interest per month or any fraction thereof until the charge and interest thereon shall be fully paid to the county.

C. In the event that a charge is not paid as and when due the county government may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage or water system to be cut off and shut off until the charge and any subsequent charges with regard to such lot or parcel and all interest accrued thereon are fully paid.

D. All charges for work performed by the county under this section shall be considered liens on the property, and the county shall reserve the right to refuse any additional work to such properties until all liens have been satisfied.

Article XV: Appeals

§ 110-103 Appeals to Board of Assessment Review. A property owner may appeal any assessment measurement or equivalent dwelling unit assignment to the Board of Assessment Review.

A. The Board shall hear the appeal from any property owner who alleges that his property has been incorrectly measured for the purpose of sanitary sewer or water assessment or incorrectly assigned equivalent dwelling units for the purpose of a sanitary sewer or water service charge.

B. Following the hearing of any property owner and, in the light of the facts produced at such hearing, the Board shall determine whether the street footage measurement or the equivalent dwelling unit assignment is correct. Should the Board find that the street footage measurement or equivalent dwelling unit assignment is incorrect, the Board shall order the County Engineer to and the County Engineer shall correct the street footage measurement or equivalent dwelling unit assignment.

§ 110-104 Judicial review. Nothing herein shall be construed as limiting the right of a property owner to appeal to the courts in connection with the street footage measurement or equivalent dwelling unit measurement as provided by law.

PART 4: SEWER CONNECTIONS IN NORTH BETHANY BEACH COASTAL AREA

Article XVI General Provisions

§ 110-105 Equivalent dwelling unit limitation. On all undeveloped lands within the North Bethany Beach Coastal Area, the County Engineer shall provide the necessary sewer connection permits only after a determination that the application for sewer connection does not exceed four equivalent dwelling units per gross acre. Permit applications which exceed four EDU's per gross acre shall be denied, and sewer connection shall be unlawful without said permit.

§ 110-106 Wetlands. Wetlands, as identified by the Delaware Department of Natural Resources and Environmental Control, shall not be considered as acreage in the computation of gross acreage for EDU calculations.

§ 110-107 Undeveloped lands. The term "undeveloped lands" includes land currently occupied as a nonconforming use; however, nothing herein shall impair the legality of the existing and continuing nonconforming use nor its ability to lawfully enlarge said use. Residential properties for which conditional use permits have been issued as of the date of the enactment of this Part 4 shall be considered as developed property.

§ 110-108 Legislative intent construal of provisions. This Part 4 is enacted for the purpose of permitting an equitable allocation of sewage capacity and to avoid imposing upon the public the cost of additional sewer expansion and the physical disruption necessitated by additional sewer construction. This section shall not be construed to prevent expansion of the sewer system when deemed appropriate by the County Council of Sussex.

§ 110-109 Scope. The provisions of this Part 4 shall be applied uniformly throughout the North Bethany Beach Coastal Area, and this Part 4 shall not be used as a rationale for rezoning.

Article XVII: Connection of Scattered Parcels

§ 110-110 Definitions. As used in this Article, the following terms shall have the meanings indicated:

SCATTERED PARCEL Any single parcel of land consisting of less than 1 1/2 acres at the time of the enactment of Part 4 and abutted at that time on at least two sides by developed property.

§ 110-111 Authority of County Engineer. The County Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property, but in no instance at an EDU density exceeding 18 EDU's per acre.

§ 110-112 Conditions for grant of connections. The connection for scattered parcels may be granted by the County Engineer only upon a study and a written determination by him that the proposed connection will not overload the capacity of

existing sewer facilities, taking into account the full development capacity of the other parcels within the area encompassed by this Part 4.

PART 5: TRANSFER, EXCHANGE OR CONVEYANCE OF EQUIVALENT DWELLING UNITS

Article XVIII Restrictions

§ 110-113 Prohibition. The transfer, exchange or conveyance of equivalent dwelling units (EDU's) as designated and allocated by the County Engineer and the County Engineer's sewer facilities study (formally entitled "Preliminary Report, Treatment Plant Expansion No. 1, South Coastal Regional Wastewater Facility, Sussex County, Delaware," second revision, published March 21, 1986) shall be prohibited.

§ 110-114 Exceeding designated maximum number of EDU's. The County Engineer's sewer facilities study, March 8, 1986, (formally entitled "Preliminary Report, Treatment Plant Expansion No. 1, South Coastal Regional Wastewater Facility, Sussex County, Delaware," second revision, published March 21, 1986) or a subsequent study of the County Engineer's office authorized by the County Council which allocates and designates the maximum number of EDU's per acre of developed and undeveloped land within the sewer districts of Sussex County shall hereafter the date of the adoption of this Part 5 not be exceeded by landowners, unless the landowner provides the sewer infrastructure as further provided in Part 2 of this chapter. The governmental bodies of Sussex County which deal with land use applications shall hereafter make reference to and shall abide by the allocations and designations of EDU's set forth therein, unless the landowner provides the sewer infrastructure as further provided in Part 2 of this chapter.

§ 110-115 Legislative intent construal of provisions. This Part 5 is enacted for the purpose of permitting an equitable allocation of sewage capacity and to avoid imposing upon the public the cost of additional sewer expansion and the physical disruption necessitated by additional sewer construction. This section shall not be construed to prevent expansion of the sewer system when deemed appropriate by the County Council of Sussex.

§ 110-116 Scope. The provisions of this Part 5 shall be applied uniformly throughout all sewer districts in Sussex County.

§ 110-117 Exemption. Any land which is the subject of a validly approved Zoning Ordinance or recorded subdivision plat or approved site plan located within the boundaries of a current Sussex County sanitary sewer district shall be exempt from the provisions of this Part 5 as of the date of the adoption of this Part 5. Land within the boundaries of incorporated municipalities which are located within the boundaries of the county sewer districts shall be granted and allocated EDU's pursuant to the zoning density scheme existing at the date of the adoption of this Part 5.

§ 110-118 Applicability of other legislation. This Part 5 is intended to be interpreted and utilized in conjunction with the language of Part 2 of this chapter. The area encompassed in the North Bethany extension of the Bethany Beach Sanitary Sewer District, which is the subject of Part 4 of this chapter, shall be governed by Part 4 of this chapter and shall not be subject to the conditions or requirements of § 110-114 or 110-117 of this Part 5.

PART 6: SEWER AND WATER DISTRICTS

Article XIX Absentee Voting

§ 110-119 Purpose. This Article shall provide that those qualified voters of a proposed sanitary sewer and/or water district established, or being established, pursuant to Chapter 65, Title 9, of the Delaware Code, who shall be unable to appear to cast their ballots at the polling place at any such election may be able to cast such a ballot to be counted in the district, if such a privilege has been granted to them herein.

§ 110-120 Eligibility for voting by absentee ballot. Any qualified voter of the sanitary sewer and/or water district may cast his vote by absentee ballot if he is unable to appear at the designated polling place or places due to the following reasons:

A. Because such person is in the public service of the United States, or is a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, or his spouse or dependents when residing with or accompanying him, or is absent from the state because of illness or injury received while serving in the Armed Forces of the United States;

B. Because such person is unavoidably absent from the county because of the nature of his or her business or occupation;

- C. Because such person is sick or physically disabled;
- D. Because such person is absent from the district while on vacation;
- E. Because such person is unable to vote at a certain time or on a certain day due to the tenets or teachings of his religion; or
- F. Because such person resides outside Sussex County and is unavoidably absent on the day of election.

§ 110-121 Affidavit required.

A. Any voter desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in § 110-1 20B, C, D, E or F shall file an affidavit with the Sussex County Engineering Department, subscribed and sworn to by him before an officer authorized by law to administer oaths. The affidavit shall be dated not more than 90 days prior to the day of the election. It shall state the reason why he cannot appear at the designated polling place on the day of the election, his birthdate, his social security number, his expected location, including his address and telephone number (if available) to be used for the purpose of challenge on election day and, if sick or disabled, the name and address of a physician or a Christian Science practitioner who can attest to the voter's inability to go to his polling place on the day of the election. The Engineering Department shall mail or deliver the official ballot, envelope and instructions to the voter as soon as possible after receiving the affidavit.

B. Any voter desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in § 110-120A may execute an affidavit sworn to by the voter, under penalty of perjury, to be filed with the Sussex County Engineering Department. The affidavit shall be dated during the calendar year in which the election is to be held. It shall state the reason why he cannot appear at the designated polling place for the election on the day of the election, his birthdate, his social security number and his expected location, including his address and a telephone number (if available) to be used for the purpose of challenge on election day. The Sussex County Engineering Department may hold an affidavit dated more than 90 days prior to an election, until 90 days prior to the election, and shall mail the official ballot, envelopes and instructions to the voter as soon as possible thereafter.

§ 110-122 Distribution of ballots. Upon receipt of a request from a voter, together with an affidavit, if required by § 110-121 of this Article, the Sussex County Engineering Department, not more than 60 days nor less than 14 days prior to a

sanitary sewer and/or water district election and within three days after the ballots, envelopes and instructions for absentee voters become available, shall mail to the voter, postage prepaid, or deliver personally to the voter an official ballot enclosed in an official envelope and a copy of the instructions for absentee voters. Nothing contained in this section shall prevent the issuance of an absentee ballot to those lawfully entitled thereto prior to 12:00 noon of the day prior to any election, when the request is made less than 14 days prior to the election.

§ 110-123 Form of affidavit.

A. Each affidavit submitted pursuant to § 110-121 above shall be in substantially the following form:

I do solemnly swear (affirm) that I will be absent on the day of the election because (_____) I am in the public service of the United States or a citizen of the United States temporarily residing outside the territorial limits of the United States of the District of Columbia, or with a spouse or dependents when residing with or accompanying me or because I am in the armed forces of the United States or the Merchant Marines of the United States, 6r attached to and serving with the armed forces of the United States and the American Red Cross, Society of Friends or the United Service Organization, or because of illness or injury received while serving in the armed forces of the United States; (_____) I am unavoidably absent from the county because of the nature of my business or occupation; (_____) I am sick or physically disabled; (_____) I am absent from the district while on vacation; (_____) I am following the tenets or teachings of my religion; I reside outside Sussex County and will be unavoidably absent on the day of the election. For the reason indicated, I cannot appear at the polling place in the district in which I am a qualified voter. I further swear (affirm) that I marked my ballot in secret.

I _____, do solemnly swear (affirm) that I have not received or accepted, paid or promised any money or other valuable thing as compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register or for the giving or withholding a vote in this election.

Write Name Here

Print Name Here

Subscribed and sworn (affirmed) before me this _____ day of _____ A.D., 19____; and I hereby certify that the Affiant did in such manner that I could not see his ballot, mark such ballot and that the Affiant was not solicited or advised by me to vote for or against the question presented.

Notary Public

B. Any voter who receives an absentee ballot because he qualifies under § **110-120A** may subscribe to and swear a self-administered oath, under penalty of perjury, affirming that he was not solicited or advised to vote for or against the question presented.

§ 110-124 Form of absentee ballot. Each absentee ballot shall be in substantially the following form:

For sanitary sewer/water district

Against sanitary sewer/water district

§ 110-125 Time limit for return. The absentee voter shall return his marked ballot to the Sussex County Engineer, or his designee, before 12:00 noon of the day before the election, and any absentee ballot received by the Sussex County Engineer, or his designee, after 12:00 noon of the day before the election shall not be counted, but the Sussex County Engineer, or his designee, shall endorse on the ballot the time such was received and shall retain all such ballots for one year following the date of the election, and longer if directed to do so by proper authority.

§ 110-126 Procedure by officials. Upon receipt of the official envelope from the absentee voter, the Sussex County Engineer, or his designee, shall forthwith enclose the sealed ballot as received and unopened in a secure location and shall place his or her written signature on the official envelope, together with the date and time of receipt. The Sussex County Engineer, or his designee, on the day of the election, but after closing of the polls, shall open the sealed ballots and shall record the vote of the absentee voter.

§ 110-127 Register of absentee voters. The Sussex County Engineer, or his designee, shall cause to be provided a register of absentee voters. From the register a list of names and addresses of all applicants for absentee ballots shall be compiled and shall be made available.

§ 110-128 Violations and penalties. Whoever willfully files a false affidavit under the provisions of this Article shall be deemed guilty of a misdemeanor and, upon

conviction thereof, shall be fined not less than \$50 nor more than \$200 or imprisoned for a period of not more than 30 days, or both, and shall pay the costs of prosecution.

Article XX Septage Discharge

§ 110-129 Purpose. Septage removed from any property located in Sussex County, Delaware, may be discharged at the facilities referred to as "South Coastal Regional Wastewater Facilities" and "Inland Bays Regional Wastewater Facilities" upon the terms and conditions set forth herein.

§ 110-130 Definitions. As used in this Article, the following terms shall have the meanings indicated:

DISCHARGE When used as a noun, "discharge" means a unit of septage as established by rules promulgated by the Sussex County Engineering Department.

DISCHARGE FEE A fee assessed to a user for each discharge that he makes at a facility.

FACILITY For purposes of this Article, the term "facility" means the South Coastal Regional Wastewater Facilities and the Inland Bays Regional Wastewater Facilities.

INDUSTRIAL WASTE Waste that originates from a business or industry having a Standard Industrial Classification (SIC) code or an expected classification, or having a reasonable potential, in the opinion of facility management, to adversely affect the treatment plant (inhibition, pass-through of pollutants, sludge contamination or endangerment of treatment plant workers).

SEPTAGE Liquid and solid materials pumped from a septic tank, cesspool or holding tank but not including industrial waste.

USER Any person, partnership, corporation or an employee thereof that utilizes a facility for discharge of septage; provided, however, that the term "user" does not mean a county-owned entity or a county employee acting in his capacity as such.

§ 110-131 Licensing requirements. No user may discharge septage at a facility until he has obtained a license from the Sussex County Engineering Department. The annual county licensing period is from July 1 through June 30. In order to obtain

a license from the Sussex County Engineering Department, a person must provide the Engineering Department with the following:

- A.** A State of Delaware Department of Natural Resources and Environmental Control (DNREC) permit issued to the user or a letter from DNREC which states that it will permit the user to haul septage for discharge at facility.
- B.** A certificate of insurance verifying that user holds commercial general liability insurance in the minimum amount of \$500,000 combined single limit per occurrence.
- C.** A certificate of insurance verifying that the user holds business auto liability insurance in the minimum amount of \$1,000,000 combined single limit per accident.
- D.** A certificate of insurance verifying that the user holds worker's compensation and employer's liability insurance (if applicable) in the minimum amounts as follows: \$100,000 for each accident, \$100,000 for each employee for disease and a policy limit of \$500,000 for disease.
- E.** A certificate of insurance verifying that the user holds such other insurance that may be required by state law, rule or regulation.
- F.** A waste hauler's State of Delaware business license.

§ 110-132 Fees. The county may assess each user an annual license fee and a discharge fee at the rates established by the County Engineering Department and posted at the facility.

§ 110-133 Discharge limitations. The county may, by rules promulgated by the County Engineering Department and posted at a facility, regulate the following in connection with the discharge at a facility:

- A.** The amount of septage a user may discharge per discharge and per season.
- B.** The hours during which a facility will accept discharge from a user.
- C.** The strength and toxicity of septage discharged by a user.

§ 110-134 Holding tank permit. No septage obtained from a holding tank may be discharged at a facility unless a holding tank permit has been issued by the Sussex

County Engineering Department for the holding tank that is the source of the septage to be discharged at the facility. A fee will be assessed for the issuance of a holding tank permit in an amount to be determined by the County Engineering Department.

§ 110-135 Proof of source. No user may discharge septage at a facility unless, upon the request of facility management, he can produce documentation of the source of the septage to be discharged, such as:

- A. The source's holding tank permit number;
- B. The source's hookup permit number; and
- C. The name and address or tax map and parcel number of the property on which the source is located.

Article XXI Revision of District Boundaries

§ 110-136 Application; fee. Any person, firm or corporation applying to the County Engineer for the revision of a sanitary or water district boundary without election pursuant to 9 Del. C. § 6502 shall be required to pay such amount as may be required by the Sussex County Council to defray the administrative cost of the process of that request. This fee shall be included in the schedule of fees adopted as part of the annual Sussex County budget.

§ 110-137 Payment of fee; refund. Such fee as shall be required by the County Council as set forth in § 110-136 above shall be paid in advance by the person, firm or corporation requesting the revision to the sanitary or water district without election. Such fee may be refunded on request, if the application is withdrawn on or before preparation of notices and advertising required by 9 Del. C. § 6502.

Article XXII Sewer Capitalization Fee

§ 110-138 Definitions. For the purpose of this article, the following definitions shall apply:

CONDOMINIUM UNIT A unit as defined by the Delaware Unit Property Act, 25 Del. C. Chapter 22.

EQUIVALENT DWELLING UNIT (EDU) Has the same meaning as that term is defined in § **110-96** and amendments thereto.

NONROAD ACCESSIBLE PARCELS Those parcels of real property that do not fall within the definition of "road accessible parcels."

PHASE III OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT That geographic area defined as follows: Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District shall be that geographic area annexed by the Sussex County Council on March 22, 1990, into the Dewey Beach Sanitary Sewer District that will receive sanitary sewer service by June 1, 2000, and did not have sanitary sewer service available on December 29, 1995.

ROAD ACCESSIBLE PARCELS Parcels of real property that are served by an existing road or street or a street which was under construction prior to the date of the first advertisement which seeks bids for construction of a collection and transmission system to serve said real property within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Numbered parcels, as shown on official Sussex County Tax Maps, within an approved subdivision shall be considered separate parcels of real property.

TRANSFER The fee simple conveyance of real property.

UNDER CONSTRUCTION A street is under construction if all of the following items have been completed:

- A. The acquisition of all necessary permits and approvals to allow the project to proceed, including but not limited to, stormwater management, erosion and sediment control, private road construction, state entrance permit and central utility plans.
- B. The filing with the Sussex County Planning and Zoning Department of all necessary bonds to allow project development to proceed.
- C. The conveyance of a blanket easement to the county, which grants access to the right-of-way for the purpose of placing sanitary sewer lines.
- D. The corners of the affected lots shall be staked at the right-of-way line and each lot properly identified, to allow proper location of sewer laterals.
- E. The road swales shall be roughed in and shall be connected to the proposed outfall to allow stormwater to drain from the affected right-of-way.

F. Topsoil shall be stripped from the proposed roadbed and a stable upgrade provided.

§ 110-139 Fees.

A. Any property owner owning a road accessible parcel of real property or a condominium unit, whether of a residential or commercial nature, within the area defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, is hereby assessed a sewer capitalization fee, pursuant to the following schedule, as a contribution toward collection system construction costs:

(1) For parcels of real property assessed with one EDU or less:

Parcel Square Footage	Sewer Capitalization Fee
10,000 and above	\$500.00
5,001 to 9,999	\$375.00
5,000 and less	\$250.00

(2) For parcels of real property containing multiple EDU's (including, but not limited to, multiple EDU commercial uses, manufactured home parks and campgrounds), the amounts as set forth in Subsection **A(1)** for the first EDU and \$250 for each additional EDU.

(3) For condominiums, \$250 per condominium unit.

B. Said sewer capitalization fee shall be due and payable at anytime prior to connection of a parcel of real property or condominium unit to the county's central sewer system or prior to one year following the date on which the county's central sewer system becomes operational with respect to the parcel of real property or condominium unit in question, whichever date comes first. Said sewer capitalization fee shall be in lieu of any sewer connection fee (excluding permit fees) which may be assessed by Sussex County in the future on those parcels of real property or condominium units which are connected to the county's central sewer system following establishment of the system.

§ 110-140 Payment upon property transfer; exceptions. Upon the transfer of any parcel of real property or condominium unit located within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to a purchaser for value, the sewer capitalization fee referenced in § **110-139** above shall be due and payable to the Sussex County Council immediately; provided, however,

that any parcel of real property or condominium unit which is the subject of a valid real estate sales contract upon the enactment of this article on July 21, 1998, and which proceeds to settlement within 120 days of enactment of this article on July 21, 1998, shall not be subject to pay the sewer capitalization fee upon property transfer; instead, said payment shall be made pursuant to §§ **110-139** and **110-141** of this article.

§ 110-141 Payment prior to issuance of building permit. Any parcel of real property not constructed upon will be required to pay the sewer capitalization fee prior to the issuance of a building permit, unless the sewer capitalization fee was paid at the time of property transfer.

§ 110-142 Additional EDU's; fee. Any owner of a parcel of real property or condominium unit within the area defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District who pays the sewer capitalization fee per EDU, as described in this article, but who later is granted additional EDU's by the Sussex County Engineering Department, shall pay an additional sewer capitalization fee for any EDU granted; provided, however, that any EDU which is not connected to the system prior to one year following the date on which the system becomes operational with respect to the parcel of real property or condominium unit in question will be assessed whatever the sewer connection fee is at that time with respect to that parcel of real property or condominium unit.

§ 110-143 Installation of wastewater collection system.

A. In lieu of the sewer capitalization fee referenced herein, the owner of any nonroad accessible parcel of real property which received final subdivision approval from Sussex County prior to July 21, 1998, within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, who wishes to develop said parcel of real property shall either:

(1) Install a wastewater collection system to serve such subdivision, pursuant to Chapter **110**, Article **XI**, of the Sussex County Code; or

(2) For subdivisions with streets under construction, submit a written request to the County Engineer to have the subdivision's sewer lines installed as part of the regional sewer construction for Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

B. The owner of any nonroad accessible parcel of real property which received final subdivision approval from Sussex County after July 21, 1998, shall be required to install a sewer collection system in accordance with the policies and procedures

adopted pursuant to Chapter **110**, Article **XI**, of the Sussex County Code, with credit for the sewer capitalization fee being granted to each lot within the subdivision, where said sewer collection system received a beneficial occupancy designation by the Sussex County Code within one year of Sussex County's wastewater system becoming operational.

§ 110-144 Acceptance of payment. Payment in full or partial payment of the sewer capitalization fee due under this article may be accepted by the county at any time prior to the time when said payment is due.

§ 110-145 Examination of collection systems; inclusion in West Rehoboth system; credit for inclusion. The County Engineer shall examine those subdivisions, manufactured home parks, campgrounds or condominium projects within the area defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District which have sewer collection systems, existing and in operation as of the date of enactment of this article, in order to determine whether said collections systems meet standards and specifications required by the County Engineer for inclusion in the West Rehoboth system. The County Engineer shall determine the extent to which said collection systems may be included in the West Rehoboth system and the construction cost savings, if any, to be realized from said inclusion. The County Engineer shall determine a method for providing a credit against the sewer capitalization fee for lots located in subdivisions whose sewer collection systems are to be included in the West Rehoboth system and shall report the same to County Council.

§ 110-146 Responsibility for payment in property transfer. As between the parties to any transfer which is subject to payment of the sewer capitalization fee, in the absence of an agreement between the parties to the contrary, the burden for paying the fee shall be on the grantee.

§ 110-147 Utility relief program. There is hereby established a utility relief program which will assist owners of parcels of real property within Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District who are required to pay the sewer capitalization fee pursuant to §§ **110-139** and **110-141** of this article who meet minimum annual income levels and who occupy the parcels of real estate which they own. Owners who qualify for inclusion in the utility relief program may choose to defer payment of the sewer capitalization fee and instead agree to allow Sussex County to place a lien on their parcel of real property in the amount of the sewer capitalization fee owed. The amount secured by the lien must

be paid in full upon the transfer of the parcel to a purchaser for value or by gift, unless the transferee qualifies for inclusion in the utility relief program, in which case the lien shall remain on the parcel. Income guidelines for inclusion in the utility relief program shall be determined annually by the County Administrator. Nothing herein shall affect the validity or priority of liens placed pursuant to the utility relief program in Phases I and II of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, which shall remain in full force and effect and which shall be subject to the provisions herein with respect to payment upon transfer.

§ 110-148 Exemptions. Owners of parcels of real property who are exempt from assessment pursuant to § 110-94 of the Sussex County Code shall also be exempt from payment of the sewer capitalization fee.

§ 110-149 Application of revenues. Revenues derived from the sewer capitalization fee may be applied to pay any cost associated with the establishment of and financing of the collection facilities for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, including interest on any debt incurred to finance such facilities for such period of time after the completion of such facilities as the County Council shall determine shall be necessary in connection with such financing and including the funding of a depreciation reserve fund for such facilities.

PART 7: PRIVATE COMMUNITY WASTEWATER SYSTEMS

Article XXIII Review and Approval

§ 110-150 Purpose. In accordance with Title 26 of the Delaware Code, the State of Delaware Public Service Commission is authorized to issue certificates of public convenience and necessity for the construction and operation of private community wastewater systems within Sussex County. In addition, Sussex County plans, designs, finances and constructs its own wastewater collection, conveyance, treatment and disposal systems within its sanitary sewer districts. As part of this process, Sussex County has established primary and secondary service areas, which designate areas to be served in the future as part of a Sussex County Sanitary Sewer District. These primary and secondary service areas are utilized by Sussex County to adequately plan, design, finance and construct the collection, conveyance, treatment and disposal systems throughout the County. This Part 7 is intended to provide a method for the review and approval of private community wastewater systems within the Sussex County primary and secondary service areas.

§ 110-151 Definitions. The definitions supplied elsewhere in this chapter shall apply to this Part 7. Unless the context specifically indicates otherwise, the following terms shall have the meanings hereinafter designated:

PRIMARY SERVICE AREA The area designated by Sussex County as being a primary service area for Sussex County sanitary sewer service as adopted by Sussex County Council.

PRIVATE COMMUNITY WASTEWATER SYSTEM or SYSTEM A Facility for the conveyance, collection, processing, treatment or disposal of sanitary sewage, which is owned by a nongovernmental entity, and which services or is proposed to service more than one equivalent dwelling unit, as that term is defined elsewhere in this chapter.

SECONDARY SERVICE AREA The area designated by Sussex County as being a secondary service area for sanitary sewer service as adopted by Sussex County Council.

§ 110-152 Approval required; application.

A. In general. A private community wastewater system shall not be constructed within a primary or secondary service area by any nongovernmental owner or entity without the prior approval of Sussex County, as hereinafter provided.

B. Applicants seeking to obtain the approval of Sussex County to construct a private community wastewater system within a primary or secondary service area must complete and file with the County Engineer an application in the form prescribed by the County and accompanied by a fee to be determined by the County Council. In support of the application, the user shall submit the following information:

(1) The address and location of the proposed private community wastewater system, including the Sussex County Tax Map and Parcel Number where the system will be located.

(2) The name, address and location of the owner and operator of the proposed private community wastewater system.

(3) A list of the property or properties to be served by the proposed private community wastewater system, including the development within which the system may be located and any other properties or developments that may be served by it.

(4) The number of equivalent dwelling units to be served by the system.

(5) A certification from the system design engineer indicating that the system as designed and constructed will adequately process sanitary sewage and waste as required by all applicable laws and regulations of the federal, state and County government.

(6) An executed agreement between the applicant and the property owner, and the operator (if different from the applicant) containing the provisions for:

(a) The operation and maintenance of the system;

(b) Compliance with all applicable laws, ordinances, regulations, standards and agreements regulating the proposed system; and

(c) No liability to Sussex County with respect to, or arising out of, the operation, maintenance, repair and/or replacement of the system.

(7) The submission of plans and specifications for the wastewater collection, transmission and disposal system as required by Chapter 99 of this Code, if needed by the County Engineer for the proper assessment of the application.

§ 110-153 Review of application.

A. After obtaining all required information, and no later than 45 days after a complete application has been filed with the County Engineer, the County Engineer shall approve the private community wastewater system in writing only if it is determined that each of the following criteria have been favorably addressed, in addition to the information supplied with the application:

(1) Sussex County will not reasonably be able to provide sewer service to the property within five years from the date the application is filed; and

(2) Sussex County has not performed a planning study that the applicant can use to implement the extension of a transmission pipeline system to connect the development to existing County infrastructure; and

(3) The system will not adversely affect Sussex County's ability to provide future sewer service to other properties in the area, including, but not limited to, other existing developments, individual properties or structures; and

(4) The system, if serving more than one property, will not interfere with the County's ability to construct future pipelines and/or mains within private or public rights-of-way or other areas as may be necessary; and

(5) If mutually agreed, the system will be constructed in such a manner that it may be connected to a County sanitary sewer system in accordance with this chapter when the County sanitary sewer system becomes available; and

(6) The construction of the system does not adversely affect existing, designed or funded County sewer infrastructure, including, but not limited to, pipelines and/or mains sized to accommodate the property that is the subject of the application, pump stations sized to accommodate the property that is the subject of the application, treatment and disposal methods (including land application, ocean outfall or other methods) that have been or will be acquired to accommodate the treated wastewater, etc.; and

(7) The proposed treatment and disposal area will not adversely affect neighboring and adjacent properties or water supplies.

B. The County Engineer's decision shall address each of the foregoing criteria, and shall be mailed to the applicant by certified mail.

§ 110-154 Appeal of decision.

A. In the event an applicant is denied an approval as set forth in § 110-153, the applicant may take an appeal to County Council by filing a notice of appeal with County Council and stating the grounds therefor within 30 days after the County Engineer's decision has been mailed to the applicant by certified mail. County Council shall fix a date and time for a public hearing on the appeal, and give notice thereof by certified mail to the owner of the property that is the subject of the application, the applicant (if different from the owner), and the operator of the system, and by posting said notice conspicuously at the place to be served by the system. Such notice shall be given not less than 10 days before the date of the public hearing. The County Engineer shall transmit to the County Council all papers and documents which constitute the record of the decision appealed. County Council shall conduct a hearing and consider all evidence presented from any party,

including the party taking the appeal, the County Engineer or his representative, the public or any other interested party, and may thereafter reverse or affirm the decision appealed.

B. The information considered by County Council shall be limited to the application for the private community wastewater system and the criteria set forth in this Part 7.

§ 110-155 Prohibition within County sewer districts. No private community wastewater systems shall be permitted within an established Sussex County Sewer District existing as of the date of adoption of this Part 7.

§ 110-156 Effect on existing certificates of public convenience and necessity. This Part 7 shall not apply to any system for which a certificate of public convenience and necessity has previously been issued by the Public Service Commission as of the date of adoption of this Part 7.]

Section 2. The Code of Sussex County, Chapter 110, is hereby amended and restated, in its entirety, as follows:

§ 110-1. Definitions; word usage; abbreviations.

- A. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated:

ACT or THE ACT

The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY

The Administrator of the EPA in an NPDES state without an approved state pretreatment program.

APPROVED

Accepted or acceptable under an applicable specification cited in this Code or accepted as suitable for the proposed use under procedures and powers of the County Engineer.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER

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

BACKFLOW

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources.

BACKFLOW PREVENTER

A device or means to prevent backflow.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration (Milligrams per liter (mg/l)).

BUILDING

A structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

BUILDING DRAIN

That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point directly outside of the building and to the building sewer.

BUILDING SEWER

That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

CATEGORICAL STANDARDS

National Categorical Pretreatment Standards or pretreatment standards.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN)

Certificate of Public Convenience and Necessity is an approval granted to a private utility for a certain tax parcel by the Delaware Public Service Commission under a process defined in Title 26 of the Delaware Code.

CESSPOOL

A covered excavation in the ground which receives the discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids but permitting the liquids to seep through the bottom and sides.

CODE

When used alone, the Sussex County Code, subsequent amendments or any emergency rule or regulation which Sussex County Council may lawfully adopt.

CONTROL AUTHORITY

The approval authority, defined hereinabove, or, if the County has adopted an approved pretreatment program under the provisions of 40 CFR 403.11, the official designated therein.

COOLING WATER

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

CROSS-CONNECTION

Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other.

CUSTOMER

Any person, firm, corporation or organization supplied with water or provided with sewer service by Sussex County.

DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC)

The agency responsible for monitoring all discharges to the surface and ground waters of the State of Delaware.

DIRECT DISCHARGE

The discharge of treated or untreated wastewater directly to the waters of the State of Delaware.

DRAINAGE SYSTEM

Includes all the piping within public or private system conveying sewage or other liquid wastes by means of gravity.

DWELLING

A structure having walls and a roof designed and used for the housing, shelter, enclosure or support of persons, animals or property.

EASEMENT

A right acquired by public authority to use or control property for a designated use. An "easement" restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

ENGINEER

The duly appointed County Engineer designated by the County pursuant to Title 9 of the Delaware Code, who is the person overseeing all aspects of the Sussex County Engineering Department charged with certain duties and responsibilities under this Chapter of the Code or the authorized designee.

ENVIRONMENTAL PROTECTION AGENCY or EPA

The United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official.

EQUIVALENT DWELLING UNIT (EDU)

An arbitrary term used to express the load-producing effects on the water system and/or sewer system caused by one average sized residential dwelling.

FACILITY

For purposes of this Chapter, the term "Facility" means any of the County owned and operated Regional Wastewater Facilities. This definition includes any sewers that convey wastewater to a Facility. For the purposes of this Chapter, "Facility" shall also include any sewers that convey wastewaters to a Facility from persons outside Sussex County who are, by contract or agreement with the County, users of the County's "Facility"

FALL

The slope of a line of pipe in reference to a horizontal plane. In drainage systems it is usually expressed as the "fall" in a fraction of an inch per foot length of pipe.

FIXTURE UNIT (FU)

A quantity in terms of which the load-producing effects on the water system and/or sewer system of fixtures are expressed on a representative chosen scale.

FRONT FOOTAGE

Assessable parcel footage measurement as determined in this Chapter and by the Official Sussex County Property Map.

GRAB SAMPLE

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

HOLDING TANK WASTE

Any waste from holding tanks, such as vessels, chemical toilets, campers, manufactured homes, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE

The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317) into a County Facility including holding-tank waste discharged into the system.

INDUSTRIAL USER

A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

INDUSTRIAL WASTE

Waste that originates from a business or industry having a Standard Industrial Classification (SIC) code or an expected classification, or having a reasonable potential, in the opinion of the Engineer, to adversely affect the Facility (inhibition, pass-through of pollutants, sludge contamination or endangerment of staff).

INTERCEPTOR or SEPARATOR

A device designed and installed to separate and retain deleterious, hazardous or undesirable matter from normal waste streams while permitting the normal waste stream to discharge into the drainage system.

INTERFERENCE

The inhibition or disruption of the Facility treatment processes or operations which contributes to a violation of any requirement of the NPDES permit. The term includes prevention of sewage sludge use or disposal in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV of

SWDA), applicable to the method of disposal or use employed by the Facility.

MULTIPLE LIVING UNIT

A condominium unit, townhouse unit, apartment unit, hotel or motel room, manufactured home site, campground site, travel trailer site and all other types of living units located on a single parcel.

NATIONAL CATEGORICAL PRETREATMENT STANDARD

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT

A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD

Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR 403-5.

NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW SOURCE

Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a "new source" means any source, the construction of which is commenced after the date of promulgation of the standard.

PARCEL

An area of land measured, surveyed and plotted and set apart for separate use, ownership and occupancy possibly encompassing two previously recorded individual lots.

PERSON

Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH

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

POLLUTANT

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

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTABLE WATER

Water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the primary and secondary standards of the Safe Drinking Water Act.

PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PRETREATMENT STANDARD

See definition of "National Categorical Pretreatment Standard" above.

PRETREATMENT or TREATMENT

The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Facility. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR 403.6(d).

PUBLICLY OWNED TREATMENT WORKS (POTW)

A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by Sussex County used in this Chapter interchangeably with “Facility”.

RIGHT-OF-WAY

A legal right of passage over another person's ground acquired by public authority.

SANITARY SEWER

A sewer which carries sewage and to which storm- surface and ground waters are not intentionally admitted.

SCATTERED PARCEL

Any single parcel of land abutted on at least two sides by developed property.

SEPTAGE

Liquid and solid materials pumped from a septic tank, cesspool or holding tank excluding industrial waste.

SEPTAGE DISCHARGE FEE

A fee assessed to a user for each discharge made at the Facility.

SEPTIC TANK

A watertight receptacle which receives the discharge of a drainage system and is designed and constructed to separate solids from the liquid, digest organic matter through a period of detention and allow the liquids to

discharge into the soil outside of the tank through a system of open joint or perforated piping or disposal pit.

SEWAGE (used interchangeably with WASTEWATER)

SEWER SYSTEM

All improvements utilized for collecting, transmitting, treating, process monitoring and disposing of sewage.

SEWER SYSTEM CONCEPT EVALUATION (SSCE)

A Sussex County Engineering Department fee-based service study identifying system connection point(s), service to off-site parcels, district status and necessity of any Use of Existing Infrastructure Agreement.

SIGNIFICANT INDUSTRIAL USER

Any industrial user of the County's wastewater disposal system who has a discharge flow of 10,000 gallons or more per average workday or has a flow greater than 5% of the flow in the County's wastewater treatment system or has, in his wastes, toxic pollutants as defined pursuant to Section 307 of the Act or is found by the County, Delaware DNREC or the United States Environmental Protection Agency to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC)

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

STORMWATER

Any flow occurring during or following any form of natural precipitation and runoff resulting therefrom.

STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

SUSPENDED SOLIDS

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

TECHNICAL BULLETIN FOR BUILDING SEWER AND WATER SERVICE

A non-regulatory document outlining standards and details for the installation of private building sewers and water service lines. Modifications to this document based on the latest technology shall be posted on the Sussex County website thirty days prior to taking effect.

TOXIC POLLUTANT

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other acts.

TRAP

A fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage through it.

UNIFIED SANITARY SEWER DISTRICT

The Unified Sanitary Sewer District of Sussex County with boundaries as established and/or subsequently amended by Sussex County Council.

USER

Any person, partnership, corporation or an employee thereof that utilizes a Facility for discharge of septage.

VACUUM BREAKER

A device which prevents back-siphon of water by admitting atmospheric pressure through ports to the discharge side of device.

VENT SYSTEM (VENTED)

A system of pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

WASTEWATER (used interchangeably with SEWAGE)

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which are contributed into or permitted to enter the Facility.

WATER MAIN

A water supply pipe for public use.

WATER SERVICE PIPE

The pipe from the connection point of the public water system to the structure.

WATER SYSTEM

All facilities for supplying, treating, storing, transmitting, distributing and measuring water.

WATERS OF THE STATE

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, 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.

B. Word usage. "Shall" is mandatory; "may" is permissive.

C. Abbreviations. The following abbreviations shall have the designated meanings:

BOD — Biochemical Oxygen Demand.

CFR — Code of Federal Regulations.

COD — Chemical Oxygen Demand.

CPCN – Certificate of Public Convenience and Necessity.

DNREC – Delaware Department of Natural Resources and Environmental Control.

EDU – Equivalent Dwelling Unit.

FU – Fixture Unit.

mg/l — Milligrams per liter.

NPDES — National Pollutant Discharge Elimination System.

SIC — Standard Industrial Classification.

SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901 et. seq.

TSS — Total Suspended Solids.

USC — United States Code.

Article I. Use of Public Sewers Required

§ 110-2. Deposit of certain wastes.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property anywhere within the Unified Sanitary Sewer District any wastewater, solid waste or any other objectionable waste matter.

§ 110-3. Discharges to natural outlets.

It shall be unlawful to discharge to any natural outlet anywhere within Sussex County any sewage or other polluted waters.

§ 110-4. Use of privies, privy vaults, septic tanks and cesspools.

Where public sewers are legally and technically available within the Unified Sussex County Sanitary Sewer District, it shall be unlawful to construct or maintain any privy, septic system, cesspool or other methods intended or used for the on-site disposal of sewage.

§ 110-5. Connection to public sewer required.

- A. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Unified Sussex County Sanitary Sewer District and abutting on any street, alley or right-of-way in which public sewer is legally and technically available, are hereby

required, at their expense, to connect in accordance with the provisions of this Chapter within 120 days or as specified in the official notice to connect.

- B. Any connection must be made in accordance with the Technical Bulletin for Building Sewer and Water Service and Article VII of this Chapter.
- C. When any houses, buildings or properties are connected to the public sewer system on-site disposal facilities shall be abandoned in accordance with all applicable State of Delaware, DNREC Regulations.

Article II. Building Sewers and Connections

§ 110-6. Permit required.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the County.
- B. No structure, including manufactured homes, shall be connected or disconnected from the public sewer system without first obtaining the required permit from the County. Manufactured Home Parks shall be exempt from this requirement provided the home is being replaced within 30 days and neither the foundation nor the tie-down system are modified.

§ 110-7. Classes of building sewer permit applications.

- A. All permit applications shall be made in person by a plumber, duly licensed, who will connect or disconnect or supervise the work associated with the building sewer. The permit application shall be supplemented by plans and specifications, if required.
- B. All permit applications shall be signed by the licensed plumber and the owner or the owner's representative of the building(s) to be connected except for industrial permits which shall be signed by the owner of the entity or his authorized agent in accordance with Article V of this Chapter.
- C. The County utilizes the following four classes of building sewer permits:
 - 1.) Permits for residential and commercial service
 - 2.) Disconnect permits

3.) Service permits for entities producing industrial wastes

4.) Partial Hook-up permits for residential and commercial applications supplemented by plans and specifications approved by the Utility Engineering Division showing length and type of material to be installed.

§ 110-8. Expenses and indemnification.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly result from the installation of the building sewer.

§ 110-9. Separate building sewers required.

- A. A separate and independent building sewer shall be provided for every newly constructed dwelling, building or property used for human occupancy, employment, recreation or other purpose. The Engineer may allow more than one existing structure to be connected to a single building sewer in the best interest of the County.
- B. A building sewer serving newly constructed buildings shall not service more than one of the following:
 - 1) Residential dwelling, either detached or one side of a double house or house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.
 - 2) Industrial, commercial or manufacturing establishment.
 - 3) Commercial buildings separated by a partition wall or walls and comprising of stores, offices or any combination thereof.
 - 4) Detached building comprising apartments, stores, offices or any combination thereof.
 - 5) Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.

§ 110-10. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test in the presence of the Engineer, to meet all requirements of this Chapter.

§ 110-11. Materials and methods.

The connection of the building sewer into the public sewer and the size, slope, alignment and materials of construction of the building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Technical Bulletin for Building Sewer and Water Service.

§ 110-12. Connection of building sewer to public sewer.

The applicant for the building sewer permit shall notify the County when the building sewer is ready for an open-trench visual inspection and connection to the public sewer. The work shall be inspected and approved by the Engineer prior to being placed in service.

Article III. Public Sewer Discharge Standards

§ 110-13. General discharge prohibitions.

Users shall not contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Facility. These general prohibitions apply to all such users of a Facility, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

Users shall not contribute the following substances to any Facility.

- A. Any wastewater which causes a hazard to human life or creates a public nuisance.
- B. Any 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 Facility or to the operation of the Facility
- C. Any prohibited materials including but not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates carbides, hydrides and sulfides

and any other substances which are a fire hazard or a general hazard to the system.

- D. Solid or viscous substances, which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to fats, oil and grease.
- E. Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the Facility.
- F. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the Facility or exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- G. Any noxious or malodorous 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 maintenance and repair.
- H. Any substance which may cause the Facility's effluent or any other product of the Facility, such as grit, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the solids reclamation process. In no case shall a substance discharged to the Facility, cause the Facility to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria.
- I. Any substance which will cause the Facility to violate its NPDES and/ or state disposal system permit or the receiving water quality standards.
- J. Materials which exert or cause:
 - 1) Unusual concentrations of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)

- 2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3) A biochemical oxygen demand (BOD) greater than 280 mg/l or chemical oxygen demand (COD) greater than 300 mg/l as determined from analysis of a twenty-four-hour composite sample.
 - 4) A total suspended solid load greater than 200 mg/l as determined from analysis of a twenty-four-hour composite sample.
 - 5) A fats, oil and grease load greater than 100 mg/l as determined from analysis of the average of two grab samples.
 - 6) An average chlorine demand greater than 15 parts per million.
- K. Any wastewater or vapor having a temperature which will inhibit biological activity in the Facility resulting in interference, but in no case wastewater with a temperature at the introduction into the Facility pipelines which exceeds 150° F. or a flow weighted average temperature over an eight-hour period greater than 100° F.
- L. Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the Facility. In no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed, for any time period longer than 15 minutes, more than five times the average twenty-four-hour concentration, quantities or flow during normal operation.
- M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable state or federal regulations.
- N. Any organic solid waste either whole or shredded unless a screening device of not less than 14 mesh is installed downstream of the shredding equipment prior to discharge.
- O. Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not, unless covered under the National Categorical Pretreatment Standard.
- P. Waters or wastes containing substances which are not amenable to treatment or reduction by treatment processes employed or are amenable to treatment

only to such degree that the Facility's effluent cannot meet the DNREC permit requirements or other agencies having jurisdiction over discharge to the receiving waters.

§ 110-14. Specific discharge prohibitions.

Any waters or wastes containing metals and similar objectionable or toxic substances exerting an excessive treatment requirement, to such degree that any such material received in the respective composite sewage at the Facility exceeds the limits established by the Engineer for such materials, or which creates a hazard in the receiving water of said Facility.

The following substances are not permitted in concentrations above those listed. Upon written determination by the Engineer, restrictions may also be placed on other specific substances, or the present concentration limits revised, when it is shown that the presence of these substances or concentrations at any Facility is sufficient to adversely affect any portion of the treatment processes.

<u>Substance</u>	<u>Maximum Allowable Concentration</u> <u>(mg/l)</u>
<u>Arsenic as As</u>	<u>0.5</u>
<u>Cadmium as Cd</u>	<u>0.4</u>
<u>Chromium (hexavalent) as Cr</u>	<u>0.2</u>
<u>Cyanide as Cn</u>	<u>0.5</u>
<u>Lead as Pb</u>	<u>0.5</u>
<u>Copper as Cu</u>	<u>1.0</u>
<u>Mercury as Hg</u>	<u>0.5</u>
<u>Nickel as Ni</u>	<u>2.0</u>
<u>Zinc as Zn</u>	<u>5.0</u>
<u>Total Toxic Organics (TTO) <EPA recommended individual constituent limit</u>	
<u>Total Trihalomethanes (TTHMs)</u>	<u>0.08</u>

§ 110-15. Pretreatment.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the

characteristics enumerated in this Article and which, in the judgment of the Engineer or as required by the National Pollutant Discharge Elimination System (NPDES), SWDA, DNREC, National Categorical Pretreatment Standard and/or approval authority, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Engineer shall:

- 1) Require that the waste discharge be stopped or reject the application to discharge proposed waste;
- 2) Require pretreatment in compliance with National Categorical Pretreatment Standards before discharge to the public sewers;
- 3) Require control over the quantities and rates of discharge; and/or
- 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or Sewer Charge Ordinances.

B. If the Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer and subject to the requirements of all applicable codes, ordinances and laws.

§ 110-16. Interceptors.

Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing fats, oil and grease in excess of the stated limits in this Chapter or any flammable wastes, grit or other harmful ingredients, except that such interceptors shall not be required for residential dwelling or apartment units. Interceptors shall be of a type and capacity approved by the Engineer and shall be located as to be readily and easily accessible for cleaning and visual inspection.

§ 110-17. Maintenance of pretreatment structures and equipment.

Where pre-treatment or flow-equalizing structures and/or equipment are required by permit, they shall be maintained continuously in satisfactory and effective operation by the owner, at the owner's expense and accessible for unannounced inspection by the Engineer.

§ 110-18. Effect of Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

§ 110-19. Modification of Federal Categorical Pretreatment Standards.

Where the County's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards- the County may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act (as may be amended). The County may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 110-20. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Chapter.

§ 110-21. Dilution of discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the County or state.

§ 110-22. Accidental discharge protection and procedures.

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Equipment and/or processes preventing accidental discharge of prohibited materials shall be

installed and maintained at the owner or user's expense. Detailed plans showing equipment and operating procedures shall be submitted by user to the County for review on a date to be determined by the County. No user who commences contribution to a Facility shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the County. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's equipment and/or processes as necessary to meet the requirements of this Chapter.

B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the County of the incident. The notification shall include the location of the discharge, the type of waste, concentration and volume and corrective actions.

1) Written notice. Within five days following an accidental discharge, the user shall submit to the Engineer a detailed written report describing the cause 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 may be incurred as a result of damage to the Facility, environmental or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Chapter or other applicable law.

2) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

Article IV. Industrial Wastewater Pretreatment Program Fees

§ 110-23. Purpose.

The purpose of this Article is to provide for the recovery of costs from users of the County's sewer system for the implementation and administration of the industrial wastewater pretreatment program.

The applicable charges or fees shall be included in the schedule of fees adopted as part of the Annual Sussex County Budget.

In addition to the schedule of fees adopted as part of the Annual Sussex County Budget, the County is authorized to recover imposed pretreatment charges or fees of a municipality or other private regulated utility operator(s) of a wastewater treatment facility providing contractual wastewater treatment and disposal services for the County.

§ 110-24. Authorization for fees.

A. The County may adopt charges and fees which relate solely to the matters covered by the industrial wastewater pretreatment program which are separate from all other fees chargeable by the County. These fees may include but are not limited to the following:

- 1) Fees for reimbursement of costs of setting up and operating the County's pretreatment program.
- 2) Fees for monitoring, inspections and surveillance procedures.
- 3) Fees for reviewing accidental discharge procedures and construction.
- 4) Fees for permit applications.
- 5) Payment of the engineering fees if consultant engineering design review is required.
- 6) Fees for filing appeals.
- 7) Fees for consistent removal (by the County) of pollutants otherwise subject to Federal Pretreatment Standards.
- 8) Other fees as the Engineer may deem necessary to carry out the requirements contained herein.

Article V. Industrial Wastewater Discharge Program

§ 110-25. Conformance required.

It shall be unlawful to discharge without a permit to any natural outlet within the County or in any area under the jurisdiction of said County and/or to the Facility any wastewater except as authorized by the Engineer in accordance with this Chapter.

§ 110-26. Permit required.

All significant industrial users proposing to connect to or to contribute to the Facility shall obtain an industrial wastewater discharge permit before connecting to or contributing to the Facility.

§ 110-27. Permit application.

- A. Users required to obtain an industrial wastewater discharge permit shall complete and file with the County an application in the form prescribed by the County and accompanied by the approved fee established as part of the annual budget process. New significant industrial users shall apply at least 180 days prior to connecting to or contributing to the Facility.
- B. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- 1) The name, address and location (if different from the address).
 - 2) The SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - 3) The wastewater constituents and characteristics, including but not limited to those mentioned in this Chapter, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
 - 4) The time and duration of the contribution.
 - 5) The average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - 6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation.
 - 7) A description of the activities, facilities and plant processes on the premises, including all materials which are or could be discharged.
 - 8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any County, state or federal pretreatment standards and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards.

9) A pretreatment schedule meeting the following conditions:

- a. 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.
- b. The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).
- c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Engineer, including, as a minimum, if it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six months elapse between such progress reports to the Engineer.

10) Each product produced by type, amount, process or processes and rate of production.

11) The type and amount of raw materials processed (average and maximum per day).

12) The number and type of employees, the hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

13) Any other information as may be deemed by the County to be necessary to evaluate the permit application.

C. The County will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished,

the County may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

§ 110-28. Permit modifications.

Within nine months of the re-promulgation of a National Categorical Pretreatment Standard, the industrial wastewater discharge permit of any user subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for an industrial wastewater discharge permit as required by § 110- 27, the user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the Engineer within 180 days after the re-promulgation of an applicable Federal Categorical Pretreatment Standard the information required.

§ 110-29. Permit conditions.

- A. Industrial wastewater discharge permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations, user charges and fees established by the County.
- B. Permits may contain the following:
 - 1) The unit charge or schedule of user charges and fees for the wastewater to be discharged.
 - 2) Limits on the average and maximum wastewater constituents and characteristics.
 - 3) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - 4) Requirements for installation and maintenance of inspection and sampling facilities.
 - 5) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
 - 6) Compliance schedules.

- 7) Requirements for submission of technical reports or discharge reports as per § 110-32.
- 8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the County and affording County access thereto.
- 9) Requirements for notification of the County of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- 10) Requirements for notification of slug discharges.
- 11) Other conditions as deemed appropriate by the County Engineer to ensure compliance with this Chapter.

§ 110-30. Duration of permit.

Significant industrial user permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the County during the term of the permit as limitations or requirements as identified in Article III are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 110-31. Transfer of permit.

Industrial wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the County. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

§ 110-32. Reports.

- A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the

Facility, an industrial user subject to pretreatment standards and requirements shall submit to the Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

B. Significant industrial user periodic compliance reports.

- 1) Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the Facility, shall submit to the Engineer during the months of June and December, unless required more frequently in the pretreatment standard or by the Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in § 110-29 of this Article. At the discretion of the Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Engineer may agree to alter the months during which the above reports are to be submitted.
- 2) The Engineer may impose mass limitations on industrial users where the imposition of mass limitations is appropriate. In such cases, the report required by Subsection B (1) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent 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 Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures

approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

§ 110-33. Monitoring structures and devices.

- A. The County shall require a significant industrial user to provide and operate, at the user's own expense, monitoring structures and devices to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring structures and devices should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship on the user, allow construction in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- B. There shall be ample room in or near such sampling manhole to allow accurate sampling and preparation of samples for analysis. The structures, sampling devices and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- C. Whether constructed on public or private property, the sampling and monitoring structures shall be provided in accordance with the County's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the County.

§ 110-34. Inspection and sampling of industrial user.

The County shall inspect the facilities of any industrial user to ascertain whether the purpose of this Chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The County, the DNREC, the approval authority and the EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where an industrial user has security

measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the County, the approval authority, the DNREC and the EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

§ 110-35. Pretreatment requirements.

- A. Industrial users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the County shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review and shall be acceptable to the County before construction of the pretreatment facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the pretreatment facility as necessary to produce an effluent acceptable to the County under the provisions of this Chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the County prior to the user's initiation of the changes.
- B. The County shall annually publish in a general-circulation newspaper a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.
- C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the approval authority upon request.
- D. Industrial users discharging into the areas of the Unified Sanitary Sewer District where the City of Seaford provides treatment services shall be subject to the rules and regulations contained within Chapter 6 of the City of Seaford Sewer Use Ordinance, Title 7, Section 6033 of the Delaware Code, and 40 CFR 403 of the Code of Federal Regulations, as they may be amended.

§ 110-36. Confidential information.

- A. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate, to the satisfaction of the County, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) permit, the State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for the use of the County, state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the County as confidential shall not be transmitted to any governmental agency or to the general public by the County until and unless a ten-day notification is given to the user.

§ 110-37. Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter where federal, state or County regulations are silent as to methods of analysis shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association" and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids

analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

§ 110-38. Increased discharge restricted.

If any of the wastewater treatment facilities receiving permitted industrial discharges have reached eighty percent of loading as determined under the NPDES Permit, then the Engineer is authorized to prohibit increased industrial discharge, either on the basis of flow or loading of waste constituents, or both.

§ 110-39. Suspension of wastewater treatment service.

- A. The County may suspend the wastewater treatment service and/or an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the Engineer, 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 to the environment, causes interference to the Facility or causes the County to violate any condition of its NPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Facility system or endangerment to any individuals. The County shall reinstate the industrial wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the County within 15 days of the date of occurrence.

§ 110-40. Revocation of permit.

Any user who violates the following conditions of this Chapter or applicable state and federal regulations is subject to having his permit revoked:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge.
- B. Failure of the user to report significant changes in operations or in wastewater constituents and characteristics.

C. Refusal of reasonable access to the user's premises for inspection or monitoring.

D. Violation of conditions of the permit.

§ 110-41. Violation proceedings.

A. See Article IX for penalties and legal proceedings.

B. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or any wastewater contribution permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be subject to criminal prosecution pursuant to the laws of the State of Delaware.

Article VI. Use of Public Water Service

§ 110-42. Connection required.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated in an area served by a Sussex County water district and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of Sussex County are hereby required, at their expense to connect in accordance with the Technical Bulletin for Building Sewer and Water Service and the provisions of this Chapter, within 180 days after the date of official notice to connect.

§ 110-43. Permit required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a permit from the Engineer.

§ 110-44. Permit application.

A. Application for a permit to install and connect a water service pipe shall be made by a plumber, licensed in the State of Delaware, who will install or supervise the installation of the water service pipe. The application will be made on forms provided by the County and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. The application shall be signed by the licensed

plumber and the owner or the owner's representative of the building having the water service pipe connected thereto. If approved, the application will be signed by the Engineer or his authorized agent and will constitute a permit.

- B. An application for a permit shall be made to increase the size of an existing service. The cost of increasing the size of the service shall be borne entirely by the applicant.

§ 110-45. Separate water service required.

A separate and independent water service shall be provided for every dwelling, building or property used for human occupancy, employment, recreation or other purpose. A water service, water meter and water service pipe shall not service more than one:

- A. Dwelling house, either detached or one side of a double house or a house in a row of houses, provided that a garage, a guest house and similar features incidental to the family life shall be considered as a portion of the dwelling.
- B. Industrial, commercial or manufacturing establishment.
- C. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices or a combination thereof.
- D. Detached building comprising apartments, stores, offices or any combination thereof.
- E. Establishment consisting of individual dwelling units under the management of a single commercial or cooperative entity.
- F. Unit of property commonly referred to as a "condominium unit" and/or "unit property," subject to the requirements Title 25 of the Delaware Code, Chapter 25.
- G. Property which is converted from ownership by a single commercial or cooperative entity or from any other form of ownership to condominium units shall comply with the requirements of this Article.

§ 110-46. Use of water on premises.

Use of water shall be confined to the premises named on the permit. No customer shall supply another with water, nor shall it be used for any purpose not listed on the permit application.

§ 110-47. Multiple water meters at one premise.

Any such dwelling, building or property as classified in § 110-45 of this Article may be supplied by two or more water meters, each of which, for billing by the County, shall be considered as being one customer account.

§ 110-48. Responsibility for costs of connection; indemnification of County.

- A. All costs and expenses pertaining to the installation and connection of the water service pipe shall be borne by the property owner including any and all upgrades or extensions to the county's main related to the owner's request.
- B. The owners shall indemnify Sussex County from any loss or damage that may, directly or indirectly, be occasioned by the installation of the water service pipe or lack thereof.

§ 110-49. Protection from contamination.

The customers water supply system shall be designed installed and maintained in a manner that will prevent the contamination of the water supply. Requirements for such protection are given in the Technical Bulletin for Building Sewer and Water Service.

§ 110-50. Materials and methods for connection.

The connection of the water service pipe to the water meter and the size, alignment, materials of construction of the water service pipe and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Technical Bulletin for Building Sewer and Water Service.

§ 110-51. Responsibility for and control of water main connections.

The County shall inspect all connections to the water mains and maintain all water service lines from the water main to and including the curb cock and box or meter pit. The curb cock and box or meter pit shall be placed in back of the property line and shall be the property of the County and under its control. This inspection will require an open-trench visual inspection.

§ 110-52. Notification of readiness for inspection and connection.

The installing plumber shall give a required minimum 24-hour notice to the Engineer's office when the water service pipe is ready for connection, inspection and

testing if deemed necessary. The connection shall be made under the supervision or approval of the Engineer.

§ 110-53. Restoration of service installations.

All excavations for water service pipe installations shall be backfilled as soon as possible after completion of the open trench inspection. Any pavement, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County, and in compliance with any applicable DelDOT permits.

§ 110-54. Water meters.

- A. All water meters belonging to the County shall be placed by the County and kept in repair, except that the owner of the building served shall be responsible for any damage caused by negligence of the owner or tenant and including their guest and or invitees. The Engineer shall determine, in each case of damage, the cause and cost of replacement or repair.
- B. No meter or bypass valve shall be disconnected from the pipes, moved, disturbed or have its seal broken by any person except an authorized employee of the County.
- C. The customer shall notify the Engineer's office of any injury to or cessation of registration of a meter, or meter pit assembly as soon as it comes to his or her knowledge.

§ 110-55. Discontinuance of service.

- A. Water service may be discontinued, upon notice to the owner, his or her authorized agent or the occupant, for any of the following causes:
 - 1) Use of water for any purpose other than that described on the permit application.
 - 2) Willful waste of water through faulty pipes, fixtures or otherwise.
 - 3) Tampering with or damaging any service pipes, meters, seals or any other property of the County.
 - 4) Refusal of reasonable access to property for the purpose of inspections and maintenance and for failure to make provisions to afford the County access

- to the meter readout at least once every three months during regular County working hours.
- 5) Making or refusing to sever any cross-connections between a pipe or fixture carrying water furnished by the County and a pipe or fixture carrying water from any other source.
 - 6) Nonpayment of water service charges and/or fines.
 - 7) Extending water pipes to other buildings without obtaining a proper permit.
 - 8) Failure to correct piping and fixtures in a water distribution system that could allow contamination of the water source.
 - 9) Violation of any regulation governing water service.
- B. Water service may temporarily be shut off by the County for any of the following reasons:
- 1) Making alterations, repairs or inspections of water mains or pipes.
 - 2) In case of emergency such as fire, rupture during freezing conditions, contamination or any other reason for the general welfare.
 - 3) Removing the water meter for repair or testing.
- C. When the County discontinues water service for any reason, it does so without liability to such owner or occupant as may own or occupy the building to which such connection is made.
- D. No customer shall be entitled to recover for damages or to have any portion of the water charges refunded for any stoppage of water service.

§ 110-56. Public fire hydrants.

- A. Public fire hydrants are installed and supplied with water for the express purpose of combating fires. Fire hydrant use is restricted to Fire Departments and those authorized by the Engineer.
- B. It shall be unlawful for any person to:
- 1) Take water from a public fire hydrant, except for the purpose of combating fire, except with the approval of the Engineer.

- 2) Have in possession any key to any fire hydrant, except such key as may be furnished by the County.
 - 3) Open a fire hydrant with any device except the proper key.
 - 4) Place or allow to be placed any vehicle, object or material within 15 feet of any fire hydrant which obstructs or restricts access to said fire hydrant.
- C. Temporary use of water may be supplied through a public fire hydrant for uses other than extinguishing fires by application for a use permit to the Engineer and payment of charges that may be stipulated if the application is approved by the Engineer. The applicant shall be responsible for any damage occasioned by the use of the fire hydrant or other appurtenance.
- D. The County does not assume any liability to parties receiving water service as an insurer of property or person, and the County does not guarantee any special service, pressure, capacity other than is permitted by the ordinary and changing operating conditions of the County as the same exist from day to day. The County shall be free and exempt from any claims for injury to any persons or property by reason of fire, water and failure to supply water pressure or capacity.

§ 110-57. Private fire service.

- A. Any person desiring a private water supply from the County for the purpose of extinguishing fire or desiring to make alterations on an existing private fire service shall first make application to the Engineer and obtain approval of the private fire service and a permit to install or alter the same.
- B. All costs pertaining to the installation of a private fire service, including but not limited to tapping the public water main and piping to the property line, shall be borne by the applicant.
- C. A private service line shall be required for on-premises fire hydrants, automatic sprinklers or other fire service devices located inside a building or buildings, and such private service line is to be used exclusively for fire service.
- D. It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-service appliances installed on a premise, building or buildings for any purpose other than for the extinguishment of fires.

- E. The County does not assume any liability to parties receiving water service as an insurer of property or person, and the County does not guarantee any special service, pressure, capacity other than is permitted by the ordinary and changing operating conditions of the County as the same exist from day to day. The County shall be free and exempt from any claims for injury to any person or property by reason of fire, water and failure to supply water pressure or capacity.
- F. The County shall set fees for the recovery of costs from specific customers utilizing the County's public water system availability for a private fire service. The applicable charges or fees shall be included in the schedule of fees adopted as part of the Annual Sussex County Budget.

§ 110-58. Water meter testing.

- A. The quantity of water recorded by the meter shall be conclusive on both the customer and the County except when the meter has been found to be registering inaccurately or has ceased to register. In either case, the meter shall be promptly repaired or replaced by the County, and the quantity of water consumed shall be estimated by an average of previous readings of the meter when in good working order during as many as two recorded periods of the same period in previous years but in no case less than the minimum charge.
- B. In the case of a disputed account involving the accuracy of a meter, such meter shall be tested at the request of the customer in conformity with the provisions of the County water regulations. In the event that the meter so tested is found to have an error in registration in excess of 5% slow or fast, the bills shall be adjusted accordingly as provided in the aforesaid rules.
- C. When meters are removed after installation at the request of the customer for testing, the following rules shall apply: The County shall, upon a written request of a customer and, if he or she so desires, in his or her presence or that of his or her authorized representative, make a test of the accuracy of the meter. When a customer desires, either personally or through a representative, to witness the testing of a meter, he or she may require a meter to be sealed in his or her presence before removal, which seal shall not be broken until the test is made in his or her presence. If the meter so tested shall be found to be accurate within the limits herein specified, the cost for removing, testing and replacing the meter will be paid by the customer requesting such test, but if not so found, then the cost thereof shall be borne by the County.

Article VII. Building Sewers and Water Service Lines

§ 110-59. Scope.

Any item not covered in this Article or the Technical Bulletin for Building Sewer and Water Service shall be evaluated on a case by case basis by the Engineer. The provisions of this Article shall apply to every water service pipe and building sewer installation connected to County-owned systems, including alterations, repairs and replacements.

§ 110-60. Purpose.

The purpose is to preserve the health, sanitation, safety and welfare by regulating installation and maintenance of plumbing in its scope and to promote utilization of durable, standardized materials, free from defects and sufficient to provide adequate service life.

§ 110-61. Licensing.

Before any person, firm or corporation shall engage in the business of installation, alteration or maintenance of any plumbing under the scope of this Article, he/she shall obtain a Master Plumber license from the State of Delaware.

§ 110-62. Permit required.

- A. Any licensed plumber who desires to install and connect any work covered under the scope of this code shall first make application to the Sussex Engineer and obtain the required permit.
- B. Application for a permit shall be made by an applicant in the manner and method directed by the Engineer.
- C. The application shall be signed by the licensed plumber or his or her authorized representative and the owner or the owner's representative of the building(s) to be connected. Signature of the application shall permit the County access to private property for inspection of the building sewer and/or water service.
- D. If the Engineer is satisfied that the work described in the application and attached exhibits meets all requirements and the applicant has no outstanding open permits in bad standing, a permit shall be granted allowing the work to proceed in accordance with the application.

- E. The applicant shall retain a copy of the approved permit at the job while work is in progress and the County shall retain the original as a permanent record.

§ 110-63. Installation by homeowner.

- A. Any property and/or building owner is permitted to install a building sewer and/or water service pipe within the property boundaries, provided that such building sewer and/or water service pipe installation is done by himself/herself and is used exclusively by him/her or his/her family.
- B. Owner must obtain a permit from the Engineer's office and have the work inspected in accordance with the requirements of this Chapter
- C. Owner shall retain a licensed plumber to comment on the suitability of the building drain vent as well as make the final connection of the building sewer and/or water service pipe to the County sewer and/or water system.

§ 110-64. Building sewers.

- A. Building sewer material, size and installation requirements shall adhere to the Technical Bulletin for Building Sewer and Water Service.
- B. At least one cleanout shall be provided at the property line and one within (5) five feet of the structure to be served. Size and installation requirements shall adhere to the Technical Bulletin for Building Sewer and Water Service.
- C. Testing may either be performed as per the Technical Bulletin for Building Sewer and Water Service or as directed by the Engineer.

§ 110-65. Protection of sewer system.

- A. It shall be unlawful for any person or entity to deposit by any means into the building sewer in particular or the sewer system in general any material which, in the opinion of the Engineer, would or could obstruct, damage or negatively impact the County sewer system.
- B. No stormwater, surface water, groundwater, cooling water or other unpolluted water shall be discharged to the building sewer. Those drain connections not intended for but liable to permit the entrance of stormwater, such as outside surface level showers, shall not be connected to the building sewer. This does not prohibit the connection of an outside shower to the building sewer, provided that it is enclosed, covered and raised and/or protected by curbing to prevent the entrance of stormwater.

C. Commercial or industrial wastes detrimental to the functioning of the sewer system and facilities shall meet the following minimum requirements:

- 1) Interceptors shall be provided when, in the opinion of the Engineer they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand and other ingredients harmful to the building drainage system, the public sewer or the facility processes. The size, type and location of each interceptor or separator shall be approved by the Engineer, and no wastes other than those requiring treatment or separation shall be discharged into any separator.
- 2) Oil-water interceptors shall be required for all commercial, storage or repair garages; gasoline stations with grease racks, grease pits or wash racks; all car washes; and all factories which have oily and/or flammable wastes as a result of manufacturing, storage, maintenance, repair or testing operations.
- 3) Sand filters shall be required whenever the discharge of a floor drain may contain liquids and/or solids potentially harmful to the sewer system. If sand filters are required they shall be discharging through an oil-water separator and shall be located upstream of the separator.
- 4) Basket-type interceptors shall be required on commercial laundry wastes and shall be equipped with a removable and cleanable basket that will prevent passage into the drainage system of solids 1/2 inch or larger, string, rags or other materials detrimental to the sewer system.
- 5) Basket- or special-type screening devices of not less than 14 mesh shall be required on food-processing waste streams downstream of the shredding equipment.

D. All food-processing establishments discharging into the sewer system through a building sewer shall capture as much grease as possible within the confines of their business and not allow it to enter the sewer system. These establishments shall install, maintain, and use grease traps, grease interceptors or other comparable devices which represent the best practicable control technology for oil/grease removal.

E. The Engineer is authorized to include technical guidelines related to the equipment specifications and discharge limits of fats, oil & grease in the Technical Bulletin for Building Sewers and Water Service.

F. The Engineer may inspect all food-processing establishments for an unannounced inspection at any time during operating hours for confirmation of compliance.

§ 110-66. Water service pipe.

A. Material Type and Size

1) See the Technical Bulletin for Building Sewer and Water Service.

B. Disinfection of water service pipe.

1) The Engineer may require that the water service piping be disinfected before it is placed in service if, in his judgment, such action is necessary.

§ 110-67. Protection of potable water supply.

A. The potable water shall be protected from contamination from any source.

B. There shall be no cross-connection between the potable water service pipe and internal domestic distribution system and any other source of water.

C. Any building supplied with water through a Sussex County water district shall have no other source outlet located within the building.

D. Costs associated with any emergency, temporary water service disconnection and/or reconnection for protection of the system integrity in the opinion of the Engineer or the convenience of the property owner shall be compensated by the property owner at a onetime charge, per occurrence, which shall be included in the schedule of fees adopted as part of the Annual Sussex County Budget.

§ 110-68. Backflow prevention for buildings with fire service.

A backflow-prevention device shall be installed in the water service pipe to every building served by a separate fire service. The device shall be located within 5 feet of the exterior foundation wall and shall be accessible for service. As a minimum requirement, the backflow-prevention device shall consist of a manual shutoff valve followed by a spring-loaded check valve and a pressure-relief valve on the downstream side of the check valve. The pressure-relief valve drain shall be piped full size with no valve or trap to a location where emergency water spillage will create no problem.

§ 110-69. Abandoned septic tanks and cesspools.

Abandoned septic tanks and cesspools shall be made safe and harmless in accordance with the regulations of the State of Delaware Division of Environmental Control. County defers all inspection and enforcement action to the State.

§ 110-70. Abandoned wells.

Permanently abandoned wells shall be filled and sealed in accordance with the regulations of the State of Delaware Division of Environmental Control. County defers all inspection and enforcement action to the State.

§ 110-71. Inspections and testing.

A. Plumbing.

- 1) All plumbing work installed under the scope of this code shall be inspected to ensure compliance with the code and assure that the installation is in accordance with the approved plans and permit.
- 2) The installing plumber shall give a required minimum 24-hour notice to the Engineer's office when the installation is ready for connection, inspection and testing. The plumbing shall be deemed ready for connection to the sewer system, inspection and testing if the pipe is laid on grade and bedded to 1/3 of its diameter, joints are pushed home and connected to the building.
- 3) Prior to inspection, the building sewer shall not be connected to the sewer system nor shall the water service pipe be connected to the water system without Engineer approval.
- 4) The final system connection shall be made under the supervision and/or direction of the Engineer and will require an open trench visual inspection.
- 5) The equipment, material and labor necessary for the inspection and testing shall be furnished by the installing plumber.
- 6) The plumbing shall not be covered until it has been inspected, tested and approved; it shall be uncovered upon violation of the open trench inspection requirement.
- 7) Upon the satisfactory completion and final test of the plumbing, a signed copy of the original permit will be issued signifying final completion.

B. Building sewer testing.

- 1) The building sewer shall be tested by insertion of a plug blocking the point of connection with the sewer system. The building sewer shall be filled with water to the level of the lowest trap, and the water shall not show a level drop for a period of 15 minutes.
- 2) If the building sewer is approved, the final connection to the lateral shall be made in the presence of and/or at the direction of the Engineer, and the pipe trench shall be backfilled per the Technical Bulletin for Building Sewer and Water Service.
- 3) The building sewer may be connected to the system prior to the test, provided that said connection is made only in the presence of and at the direction of the Engineer.

C. Water service pipe.

- 1) The water service pipe shall be tested and proved tight under a pressure not less than the working pressure under which it is to be used. The water used for the test shall be potable water from the house service connection and shall be supplied to the water service pipe only in the presence of and at the direction of the Engineer.
- 2) If the water service connection is approved, the trench shall be backfilled per the Technical Bulletin for Building Sewer and Water Service.

Article VIII. Inspectors

§ 110-72. Right of entry.

The Engineer and other duly authorized employees of the County in regulating, constructing or inspecting water and sewer districts, Facility operation and maintenance or any other matter over which he or she has jurisdiction pursuant to this Chapter and Title 9 of the Delaware Code shall be permitted to enter all private or public properties for the purpose of inspection or determining whether a violation exists of an enforceable statute or regulation. Access shall be permitted upon giving verbal notice and after presenting official identification to the owner, occupant, custodian or agent of said property.

§ 110-73. Entry and work on easements.

The Engineer and other duly authorized employees, agents, consultants and/or contractors of the County bearing proper credentials and identification shall be permitted to enter all private properties through which the County holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the improvements lying within said easement. All entry and subsequent work, if any, within said easement shall be done in full accordance with the terms of the duly negotiated easement agreement pertaining to said private property.

Article IX. Penalties

§ 110-74. Violations and penalties.

- A. Any person or entity found to be violating or in violation of any provision of Article III, shall be fined not less than \$100 nor more than \$1,000 for each violation.
- B. Any person or entity found to be violating or in violation of Article V shall be served by the County with written notice stating the nature of the violation and providing a time limit, not to exceed 30 days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- C. Any person or entity who continues any violation as covered in Subsection A of this section or who continues any violation covered in Subsection B of this section beyond the time limit provided shall be fined not less than \$100 nor more than \$1,000 for each day in which any such violation shall continue.

§ 110-75. Liability for expenses caused by violation.

Any person violating any of the provisions of this Chapter shall become liable to the County for any expense, loss or damage occasioned the County by reason of such violation.

§ 110-76. Civil action.

Notwithstanding § 110-74C, equitable relief may be sought by the filing of a civil action in the Court of Chancery to initiate an injunction, mandamus, abatement or any other appropriate action. The laws of the State of Delaware shall regulate civil proceedings relevant to this Chapter.

Article X. Sewer System Expansion Procedures

§ 110-77. Authorization for extensions; responsibility for costs.

- A. For a property or properties located within the Unified Sanitary Sewer District the County may permit, upon written application and execution of a project construction agreement, the construction of improvements to, or expansion of, the sanitary sewer system where no existing sewer service is available.
- B. The developer of such a property requesting the construction of a standalone sewer system or the extension of the existing sewer system shall pay all direct and indirect costs of the improvements to be constructed including but not limited to wastewater collection, local transmission and, if applicable, a proportion of regional wastewater transmission and treatment upgrades required to serve the proposed development property.
- C. All construction performed by the developer shall be inspected for compliance with the project construction permit by the Engineer or by a consulting engineer selected by the County. The County shall set fees for the recovery of costs for said inspection services which shall be set during the annual Sussex County Budget process.
- D. All construction shall conform to the Sussex County Standards and Specifications issued by the Engineer. The standards may be amended from time to time by the Engineer to reflect changing trends in material, equipment and construction techniques. Amendments shall be effective immediately upon posting on the County website.
- E. In the case where a standalone sewer system or the extension of the existing sewer system connects to an established area with available collection and transmission capacity previously funded by the County a Use of Existing Infrastructure Agreement shall be required as outlined in Article XIV.

§ 110-78. Sewer system design and easements acquisition.

- A. All easement acquisitions necessary for the construction of a standalone sewer system or the extension of the existing sewer system shall be at the sole expense of the developer.
- B. The developer shall be required to provide all improvements adequately sized to serve the proposed residential/commercial development and all tax parcels which were created from the original base parcel via minor subdivision(s). Provisions shall be made to extend sewer service, at a minimum slope, to the

property line of all these adjoining parcels regardless of ownership or control.

- C. In general, sewer lines shall be designed for the estimated contributory number of residential and/or commercial equivalent dwelling units (EDUs) to be served in the future based on zoning at the time of design plus a 10% allowance for future infill up-zoning in the sewer the basin. Provided, however, that such capacity determinations shall not be indicative of future zoning or land use decisions.
- D. The design of extensions to existing sanitary sewage collection systems shall be based on site specific flow data if adequate records are available. If no flow records are available, or when new systems are being established, the average flow design criteria shall not be less than 250 GPD per equivalent dwelling unit (EDU) or 175 GPD per manufactured home berthing space.
- E. Gravity sewer mains and pump stations shall be designed using a peak flow equivalent based on the following equation:

$$Q_{max} / Q_{avg} = (20 + 2 [EDU/10]^{0.5}) / (5 + 2 [EDU/10]^{0.45})$$

where: Q_{max} = Maximum rate of sewage flow and Q_{avg} = Average daily sewage flow

- F. All gravity sewers with three or more branch sewer connections shall be designed at minimum slope and maximum depth. This requirement shall apply to all sewers serving adjoining parcels regardless of the number of branch sewer connections.

§ 110-79. Project construction agreement.

Prior to the commencement of any construction of water or sanitary sewer facilities, the developer shall execute the standard County project construction agreement. Said agreement shall not be issued until the following requirements have been met by the developer:

- A. Submission of plans and specifications for the proposed construction certified by a registered professional engineer, with said plans and specifications being subject to approval by the County.
- B. Submission of a letter of application and affirmation of cost for review and approval by the County.

- C. Submission of evidence that all required off-site easements have been acquired and recorded.
- D. Payment of a construction, administration and inspection fee. This fee shall be set during the annual Sussex County Budget process.
- E. Payment of fees for the engineering design review. This fee shall be set during the annual Sussex County Budget process.

§ 110-80. Conveyance of title and interest to County.

Upon completion of construction of the water or sanitary sewer improvements and final approval of the same by the County, the developer shall convey all of its right, title and interest in and to said water and/or sewer improvements to the County, free and clear of any and all liens, claims, charges and encumbrances attaching thereto. Said transfer of the right, title and interest in and to said water or sewer improvements shall be accomplished by such documentation as the County Attorney shall deem necessary and appropriate.

Article XI. Sewer and Water Assessments

§ 110-81. Annual assessment roll.

- A. The Sussex County Council each year shall, after a public hearing, establish an annual assessment roll for the sanitary sewer or water districts, which shall be known as the "sanitary sewer assessment" or "water assessment."
- B. Notice of the public hearing shall state that the assessment roll has been completed and filed and that, at the time and place fixed for the public hearing, the County Council will meet and hear and consider any objections which may be made to the assessment roll. Notice of the public hearing shall be published in a newspaper published within Sussex County and having a general circulation in the County once in each of the two weeks immediately preceding the week in which the public hearing is to be held.
- C. After holding the public hearing, the County Council may change or amend the assessment roll as it deems necessary or may confirm and adopt the assessment roll as originally proposed or as amended and changed.

§ 110-82. Annual assessment fees.

The annual sanitary sewer assessment fee and/or annual water assessment fee may be established for each area of the Unified Sanitary Sewer District and or water

district. Annual assessment fees shall be based on a proportion, as determined by the County, of the total amount required each year to reimburse the County for sums to be expended for retiring bonds and/or notes which have been issued or capital expenditures for a sanitary sewer district area or a water district to design, acquire and construct a respective sewer collection and local transmission system or a respective water system. Unless otherwise determined by the County as part of the approval of its annual assessment roll, the method of determining the assessment fee shall be based upon the method established at the time the property was incorporated into a sanitary sewer district or water district pursuant to Title 9 of the Delaware Code, as follows:

- A. Where EDUs are established as the method of determining assessment fees, the amount required from dwellings, structures or other establishments or facilities to which EDUs are assigned pursuant to this chapter shall be based upon the number of EDUs allocated to the property as determined in Article XII of this Chapter and the amount to be recovered by the assessment as determined by the County. Provided, however, that undeveloped residential lots shall be assessed with one EDU; once the property is improved or further subdivided, the number of EDUs allocated shall be as determined in Article XII of this Chapter and the amount to be recovered by the assessment as determined by the County.
- B. Where a front footage calculation is established as the method of determining assessment fees, the amount required from each property shall be equally proportioned to the assessable front footage.
- C. All properties that are located in the Unified Sanitary Sewer District or a water district as of January 1, 2018 shall continue to be assessed based upon the assessment methodology applied at that time, unless otherwise determined by the County as part of the approval of its annual assessment roll.

§ 110-83. System connection charge.

- A. The County shall assess a onetime sewer System Connection Charge for financing future expansion and/or replacement of sewage transmission as well as treatment and disposal projects. The sewer system connection charge shall be proportioned between transmission and treatment, as determined by the County, of amounts sufficient to compensate the County for all or a proportion of the capital costs required to plan, design, acquire, construct or replace said facilities.

- B. The County shall assess a onetime water System Connection Charge for financing future expansion and/or replacements of water supply, treatment and storage systems. The water system connection charge shall be proportioned between water system components, as determined by the County, of amounts sufficient to compensate the County for all or a proportion of the capital costs required to plan, design, acquire, construct or replace said facilities.
- C. The County shall set the water and sewer system connection charges during the annual Sussex County Budget process.
- D. The connection charge shall apply to each dwelling(s) or building(s) located on a parcel, and to all other establishments to which EDUs are assigned pursuant to Article XII of this Chapter.
- E. The connection charge shall be applicable, but not limited to, the following scenarios where water and/or sewer facilities owned or contracted by the County are utilized:
- 1) To all new connections in an existing water or sanitary sewer area including entities exempt from payment of water or sanitary sewer assessments pursuant to § 110-86.
 - 2) In an existing water or sanitary sewer area where service was previously technically not available.
 - 3) In an existing or new water or sanitary sewer area when a structure is expanded or reconstructed to the extent that the revised number of EDUs exceed the EDU assignment prior to such expansion or reconstruction.
- F. EDUs assigned to dwellings, structures or any other establishments subject to the connection charge shall be based upon the number of EDUs as determined in Article XII. Any increase in the number of EDUs shall result in the assessment of additional system connection charge(s).
- G. The connection charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing of water and/or sewer service and shall be billed and payable in a manner determined by the County.

H. The connection charge shall be a lien on the property and shall be collected by the County as are other County taxes. The properties against which such connection charges are levied shall be liable for the payment of the connection charges in the same manner as they are liable for other County taxes.

§ 110-84. Front footage measurements.

Front footage measurements for collection/distribution and transmission/ treatment purposes shall be completed for every assessable parcel in each district/area, if assessed on a front footage basis.

A. Front footage for every assessable parcel in each district shall be computed by the procedures enumerated:

- 1) Where the parcel contains two or more previously recorded lots, the front footage measurement for the parcel shall be the total of the front footage measurements of those lots within the parcel, except that, where two or more adjacent lots are set apart and occupied and used for the same purpose, the front footage measurement shall be determined by the total measurements of the lots set apart.
- 2) A parcel in a street with one side only fronting the street shall be assessed the total front footage.
- 3) A parcel on two or more streets shall be assessed the total front footage of the shortest side of the parcel.
- 4) A parcel is a parcel fronting two or more streets when the angle of the extended street center line is 135° or less, and it shall be assessed as a parcel on two or more streets.
- 5) A parcel abutting water shall be assessed on deed dimension or as measured on the Official Sussex County Property Map.
- 6) A parcel on a cul-de-sac shall be assessed the total front footage.
- 7) Where a parcel configuration contains an arc, the length of the arc shall be used as front footage measurements. When an arc forms a parcel corner, the center of the measured arc shall constitute the corner.
- 8) When a parcel has an easement across it by any public authority, the easement shall have no bearing on the assessment. When a parcel has a right-of-way across it by any public authority, the right-of-way shall be deducted from the parcel dimension.

- 9) In no case shall a parcel or other individually owned property be assessed less than 40 feet. The County as part of the annual budget process may choose to place a cap on the front footage of parcels improved with only one single family residential structure.
- 10) Where a parcel contains multiple living units or building(s) and/or dwelling(s) with a number of assigned equivalent dwelling units greater than one, which is served by a County sewage or water system, the parcel shall be assessed on the assessable footage of streets within the parcel and abutting the public street or the number of assigned equivalent dwelling units times 40, whichever is greater. This calculation shall not apply to parcels improved with only one single family residential structure.
- 11) A parcel shall be considered irregular in shape when the area of the parcel is in proportion less than half of the area of a rectangular- or square-shaped parcel having the same actual total front footage dimension and the same maximum depth dimension as the parcel being considered as irregular in shape. The maximum depth dimension shall be measured perpendicular to the actual total front footage dimension and shall not be located for any portion outside of the physical boundaries of the parcel being considered as irregular in shape. An irregular-shaped parcel shall be assessed a total footage assessment equal to the area of the parcel divided by the maximum depth of the parcel as defined herein.
- 12) Parcels designated as State or federal wetlands and requiring a proper permit prior to being improved shall not be assessed until such time as a permit is obtained.
- 13) Any parcel reduced in size, by reason of acquisition by public authority, beyond the required minimums under the respective zoning for a structure to be built shall not be assessed.

§ 110-85. Collection of assessment fees.

- A. The annual sanitary sewer assessment fee or water assessment fee shall be a lien on the property and shall be collected by the County government as are other County taxes. The properties against which such assessments are levied shall be liable for the payment of the assessments in the same manner as they are liable for other County taxes, and subject to the same collection procedures as set forth in Chapter 67 of Title 9 of the Delaware Code.

- B. A parcel, whether vacant or occupied, shall become liable for a sanitary sewer assessment fee or water assessment fee when a connection from the main sewer or water main is or can be made to the parcel.
- C. The annual sanitary sewer assessment fee or the annual water assessment fee shall be set by the County during the annual Sussex County budget process, or as amended and changed for new areas, billed and collected on a regularly scheduled basis as established by the County.

§ 110-86. Property exempt from assessment.

- A. No assessment shall be made against any property during the period in which it is not subject to taxation and assessment for County and municipal purposes.
- B. No assessment shall be made against that portion of a parcel during the period in which the portion qualifies for agricultural, horticultural or forest uses as more fully defined by 9 Del. C. §§ 8330 through 8337, inclusive. Should that portion of a parcel no longer qualify for such agricultural, horticultural or forest uses, then the connection charges more fully defined in § 110-83 of this Chapter shall be levied as a result of and for the period of the exemption.

§ 110-87. Adjustment of assessment.

- A. In the case where a proposed County sanitary sewer or water area includes parcels wherein sanitary sewer or water systems have been previously constructed under the authority of municipalities, corporations or individuals, discretionary adjustments, as determined by the County Engineer may be made with each property owner for costs incurred by the property owner when those sewers and water systems were constructed. Provided, however, that no adjustment shall be made for sewer and water systems constructed more than five years prior to the district area expansion approval by County Council.
- B. Where a condition on which an original assessment was based on changes, such as parcel division, street construction or construction of multiple-dwelling buildings, then that parcel will be reassessed and liable for the revised assessment.

Article XII. Service Charges

§ 110-88. Establishment of annual service charges; determination of amount of charge.

- A. A county wide unified sanitary sewer service charge or an individual water service charge shall be established each year for the Unified Sanitary Sewer District and any water district respectively. The County shall set the service charges during the annual Sussex County Budget process.
- B. Sufficiency of charges.
- 1) The sanitary sewer service charge shall be sufficient to reimburse the County for sums to be expended for operating, maintaining and improving the sewer system and for a proportion, as determined by the County, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the sewer treatment and transmission systems.
- 2) The water service charge shall be sufficient to reimburse the County for sums to be expended for operating, maintaining and improving the water system and for a proportion, as determined by the County, of sums to be expended for retiring bonds which have been issued for planning, designing, acquiring and constructing the water system.
- C. The amount required each year for sewer or water service charges shall be based upon the equivalent dwelling units defined hereafter and upon the provisions of this Chapter.
- D. One equivalent dwelling unit (EDU) shall be equal to 250 GPD in discharge and determined as enumerated below:

<u>Type of Establishment</u>	<u>Number of EDUs</u>
<u>Dwelling, detached or attached or apartment with 1 kitchen and 1 or more baths and 2 or more bedrooms separate from kitchen</u>	<u>1.0</u>
<u>Any manufactured home (with a Motor Vehicle title) with 1 kitchen and 1 or more baths</u>	<u>1.0</u>
<u>Apartment, condo or rental vacation cottage having either a single combined living space with an integrated kitchen or a maximum of 1 bedrooms and having 1 bath</u>	<u>0.75</u>
<u>Motel or hotel room without kitchen and with bath</u>	<u>1/3 per room</u>
<u>Retail store(s) building(s) 0.10 GPD/SF</u>	<u>1.0/3,000 ft²</u>

1.0 minimum per building

Laundromat, 250 GPD/washer 6.0 minimum

Office units, 0.25 GPD/SF 1.0/1,000 ft²
1.0 minimum per building

Car wash

<u>Self-service</u>	<u>1.0 per stall</u>
<u>Self-service and recycling water</u>	<u>0.2 per stall</u>
<u>Semi-automatic (mechanical without conveyor)</u>	<u>5.0 per stall</u>
<u>Semi-automatic (mechanical without conveyor) conserving and recycling water</u>	<u>1.2 per stall</u>
<u>Automatic with conveyor</u>	<u>33.0 per lane</u>
<u>Automatic with conveyor conserving and recycling water</u>	<u>13.6 per lane</u>

E. The Engineer may adjust the EDU assessment for commercial laundromats or commercial car washes based on specific water conservation equipment to be installed utilizing equipment manufacturer's specifications.

F. Establishments listed below shall be assigned equivalent dwelling units as multiples of one equivalent dwelling unit (EDU). A minimum of one equivalent dwelling unit will be assigned per account.

1) Churches and attached facilities and buildings.

2) Fire stations.

3) Convention halls and public gathering places.

4) Municipal buildings.

5) Bus stations and other public depots.

6) Marinas without public access to restrooms.

G. One equivalent dwelling unit shall be equal to six fixture units. For assessment purposes, plumbing fixtures shall be assigned units as follows:

a) Sinks:

(1-bin): one fixture unit.

(2-bin): two fixture units.

(3-bin): three fixture units

Mop sink or service sink: one fixture unit.

Shampoo sink: two fixture units.

b) Lavatory: one fixture unit.

c) Toilet: two fixture units.

d) Bath and shower: one fixture unit.

e) Flush urinal: one fixture unit.

f) Domestic dishwasher: one fixture unit.

g) Commercial dishwasher: three fixture units.

h) Drinking fountain: one fixture unit.

i) Domestic washing machine: one fixture unit.

j) Faucet: one fixture unit.

k) Floor/trench drain: one fixture unit.

H. Establishments listed below shall be assigned equivalent dwelling units (EDUs) as a fixed number of equivalent dwelling units plus a number of equivalent dwelling units based on the number of fixture units (FU's).

<u>Type of Establishment</u>	<u>Number of EDUs</u>
<u>Drive-in food service</u>	<u>1 EDU + FU/6 EDUs</u>
<u>Delicatessen, eat-in and take-out</u>	<u>1 EDU + FU/6 EDUs</u>
<u>Bars and lounges with no food service</u>	<u>1 EDU/150 seats + FU/6 EDUs</u>
<u>Restaurants and eating places, including combination eat-in and take-out and eating places with bar(s)</u>	<u>1 EDU/50 seats + FU/6 EDUs</u>
<u>Gas station without service bay</u>	<u>1 EDU + FU/6 EDUs</u>
<u>Service station with up to 2 bays and no gas service</u>	<u>1 EDU + FU/6 EDUs</u>
<u>Each additional service bay over 2</u>	<u>0.5 EDUs</u>
<u>Grocery Stores</u>	<u>1 EDU + (#FUs/6)</u>

Convenience Stores 1.0 EDU + (#FUs/4)

Marina without boat waste-pumping facilities 1 EDU/200 boat slips +
FU/6 EDUs

Marina with boat waste-pumping facilities 1 EDU/100 boat slips +
FU/6 EDUs

Campgrounds and recreational 1 EDU/4 sites + FU/6 EDUs
vehicle parks with
waste-handling and/or water facilities

Campgrounds and recreational 1 EDU/8 sites + FU/6 EDUs
vehicle parks without
waste-handling and water facilities

Theaters, indoor 1 EDU/60 seats

Theaters, outdoor 1 EDU/30 spaces

- I. Equivalent dwelling units shall be assigned to establishments not covered above to assure that each establishment, in the opinion of the Engineer, is given a reasonable assignment compatible with each establishment.
- J. If an establishment does not have any physical improvements which have a load-producing effect on the water system or the sewer system, then its number of equivalent dwelling units assigned shall be zero.
- K. The number of EDUs assigned to an establishment may be changed if there is a change in any of the considerations, such as size or use of facilities, used in assigning the EDUs originally.

§ 110-89. Basis for water service charge.

- A. In the form and content determined to be appropriate by the County, the water service charge shall be developed based upon consideration of such factors as volume, capacity or peak rates of water use and the number of equivalent dwelling units assigned to the users of the water system.
- B. Where a property subject to a water service charge is equipped with a water meter, the portion of the service charge related to water consumption may be based on or computed on the consumption of water as indicated by the water

meter. For properties not served by a water meter or where metered water consumption is not known, an estimated quantity of water use associated with the number of equivalent dwelling units assigned to the property shall be used in lieu of metered water consumption.

§ 110-90. Basis for sewer service charge.

- A. In the form and content determined to be appropriate by the County, the sewer service charge shall be developed based upon consideration of such factors as volume, capacity or peak rates of flow, sewage strength and the number of equivalent dwelling units assigned to the users of the Unified Sanitary Sewer District.

§ 110-91. Collection of service charges.

- A. The sanitary sewer service charge or the water service charge shall be billed and collected on a regularly scheduled basis established by the County.
- B. A sanitary sewer service charge or a water service charge shall apply to any person or entity with a direct or indirect connection to the respective system for the use of said services.
- C. A sanitary sewer service charge or a water service charge shall be charged to any person or entity contracting for direct or indirect connection with or the use of services of the respective sewer or water system. Such sanitary sewer service charges or water service charges shall be charged to and collected from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the respective sewer or water system. The owner or occupant, or both of them, of any such real property shall be liable for and shall pay such respective sanitary sewer service charges or water service charges to the County.
- D. Any improved property with physical access to the sewer and/or water not connecting to the County's sewer and/or water system after the time allotted for connection as dictated in the official connection letter shall be subject to an availability fee expressed in a percentage of the annual service charge. The County shall set the percentage associated with the service availability fee during the annual Sussex County Budget process.

§ 110-92. Failure to pay charges when due.

- A. In the event that a service charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the County on the unpaid balance at the rate of 1% simple interest per month or any fraction thereof until the service charge and interest thereon shall be fully paid to the County.
- B. In the event that a service charge with regard to any parcel of real property is not paid as and when due, the County government may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the sewerage or water system to be cut and shut off until the service charge and any subsequent service charges with regard to such parcel and all interest accrued thereon are fully paid.

§ 110-93. Additional sewer laterals or water services.

- A. If a parcel encompasses two or more adjoining lots or multiple structures occupied and used for the same purpose, the owner of said parcel may request additional sewer lateral(s) or water service(s).
- B. The charge for such additional sewer lateral(s) or water service(s) shall be set by the County and shall reflect actual cost of contractual labor and material plus County cost associated with administration and inspection.
- C. The charges shall be billed based on the estimated cost of the proposed scope of work and due prior to commencement of the actual construction. At the time of completion, the charges will be adjusted with any additional costs due immediately or refunds issued promptly.
- D. All charges for work performed by the County under this section shall be considered liens on the property, and the County shall reserve the right to refuse any additional work to such properties until all liens have been satisfied.

Article XIII. Appeals

§ 110-94. Appeals to Board of Assessment Review.

A property owner may appeal any assessment measurement or equivalent dwelling unit assignment to the Board of Assessment Review.

- A. The Board shall hear the appeal from any property owner who alleges that his property has been incorrectly measured for the purpose of sanitary sewer

or water assessment or incorrectly assigned equivalent dwelling units for the purpose of a sanitary sewer or water service charge.

- B. Following the hearing of any property owner and, in the light of the facts produced at such hearing, the Board shall determine whether the front footage measurement or the equivalent dwelling unit assignment is correct. Should the Board find that the front footage measurement or equivalent dwelling unit assignment is incorrect, the Board shall order the Engineer to correct the front footage measurement or equivalent dwelling unit assignment.

§ 110-95. Judicial review.

Nothing herein shall be construed as limiting the right of a property owner to appeal to the courts in connection with the front footage measurement or equivalent dwelling unit measurement as provided by law.

Article XIV. Use of County Funded Sewer Capacity

§ 110-96. Purpose.

- A. This Article covers the third-party developer use of available, County funded sewer collection and/or transmission capacity within the Unified Sanitary Sewer District.
- B. Utilization of County funded spare sewer collection and/or transmission capacity shall require a financial catch-up contribution towards the overall debt reduction of the Unified Sanitary Sewer District and/or future capital improvements in the Unified Sanitary Sewer District

§ 110-97. Requirement of Infrastructure Use Agreements.

- A. If a developer and/or an individual property owner request to utilize available, existing sewer system capacity within the Unified Sanitary Sewer District, a financial catch-up contribution shall be required based on the percentage of flow, as defined in a Sewer Service Concept Evaluation (SSCE) associated with said request and agreed upon in an Infrastructure Use Agreement.
- B. If one or more person or entity requests to design, construct and jointly utilize future sewer infrastructure capacity of the Unified Sanitary Sewer District at

different times, financial catch-up contributions shall be required based on the respective percentages of flow, as defined in the SCCE associated with said requests. Percentages of the catch-up contributions shall be based on existing zoning at the time of initial development agreed upon in individual Infrastructure Use Agreements.

- C. If the County initiates and pays for all, or participates financially in part, of the construction of future sewer infrastructure, then the associated cost for the capacity expansion shall be subject to developer reimbursement in addition to catch up contributions for already existing downstream infrastructure as agreed upon in an individual Infrastructure Use Agreement. Costs allocated to future developers shall be reimbursed to the County as a condition of plot plan recordation or site plan approval, whichever applies.
- D. The sewer infrastructure constructed in this process whether publicly or privately funded shall be legally and technically available to all property owners in said Area of the Unified Sanitary Sewer District. Availability of sewer service shall be as defined in the DNREC regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems.

Article XV. Connection of Scattered Parcels

§ 110-98. Authority of County Engineer.

The Engineer may grant connections to scattered parcels at the equivalent dwelling unit (EDU) density of the abutting property, but in no instance at an EDU density exceeding 12 EDUs per acre.

§ 110-99. Conditions for grant of connections.

The connection for scattered parcels may be granted by the Engineer only upon a study and a written determination that the proposed connection will not overload the capacity of existing sewer system, taking into account the full development capacity of the other parcels within the area encompassed.

Article XVI. Sanitary Sewer and Water Districts

§ 110-100. Absentee voting.

This Article shall provide that those qualified voters of a proposed sanitary sewer and/or water district established, or being established, pursuant to Chapter 65, Title 9, of the Delaware Code, who shall be unable to appear to cast their ballots at the polling place at any such election may be able to cast such a ballot to be counted in the district, if such a privilege has been granted to them herein.

§ 110-101. Eligibility for voting by absentee ballot.

Any qualified voter of the sanitary sewer and/or water district may cast his vote by absentee ballot if he or she is unable to appear at the designated polling place or places due to the reasons stated in Delaware Code, Title 15 §5502.

§ 110-102. Affidavit required.

- A. Any voter desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in §5502 (4,5 or 6) shall file an affidavit with the Sussex County Engineering Department, subscribed and sworn to by him/her before an officer authorized by law to administer oaths. The affidavit shall be dated not more than 90 days prior to the day of the election. It shall state the reason why he or she cannot appear at the designated polling place on the day of the election, his or her birthdate, social security number and expected location, including address and telephone number (if available) to be used for the purpose of challenge on election day. The Engineering Department shall mail or deliver the official ballot, envelope and instructions to the voter as soon as possible after receiving the affidavit.
- B. Any voter desiring to receive an absentee ballot because he qualifies under any of the reasons set forth in § 5502 (1, 7 or 8) may execute an affidavit sworn to by the voter, under penalty of perjury, to be filed with the Sussex County Engineering Department. The affidavit shall be dated during the calendar year in which the election is to be held. It shall state the reason why he or she cannot appear at the designated polling place for the election on the day of the election, his or her birthdate, social security number and expected location, including address and a telephone number (if available) to be used for the purpose of challenge on election day. The Sussex County Engineering Department may hold an affidavit dated more than 90 days prior to an election, until 90 days prior to the election, and shall mail the official ballot, envelopes and instructions to the voter as soon as possible thereafter.

§ 110-103. Distribution of ballots.

Distribution of ballots shall be according to Delaware Code, Title 15 §5504.

A. Upon receipt of a request from a voter Sussex County Engineering Department shall mail to the voter an official affidavit to confirm the voter qualifies for an absentee ballot.

B. If the voter qualifies the county shall mail to the voter the following:

1) An ABSENTEE BALLOT for the district in question;

2) Instructions for completing the absentee ballot and returning it to the County.

3) An envelope marked "ABSENTEE BALLOT ENCLOSED,"

§ 110-104. Form of affidavit.

A. Each affidavit submitted shall conform to the requirements of Delaware Code Title 15 §5503.

B. Any voter who receives an absentee ballot because he/she qualifies under Delaware Code § 5502 (1, 7 or 8) may subscribe to and swear a self-administered oath, under penalty of perjury, affirming that he/she was not solicited or advised to vote for or against the question presented.

§ 110-105. Form of absentee ballot.

Each absentee ballot shall be in substantially the following form:

For sanitary sewer/water district ☐

Against sanitary sewer/water district ☐

§ 110-106. Time limit for return.

A. The absentee voter shall return his marked ballot to the Sussex County Engineering Department, before 12:00 noon of the day before the election, and any absentee ballot received by the Sussex County Engineering Department, after 12:00 noon of the day before the election shall not be counted, but the Engineering Department, shall endorse on the ballot the time such was received and shall retain all such ballots for one year following the date of the election, and longer if directed to do so by Delaware Department of Election.

B. The deadline for absentee ballot returns shall be noted on the official referendum notice required under Chapter 65, Title 9, of the Delaware Code.

C. Affidavits may be sent via email at the discretion of the Engineer to meet time requirements. However, an executed original affidavit must be returned with the

ballot. If voter is deemed ineligible to vote upon receipt of the affidavit the Engineering Department, shall endorse on the ballot the time such was received and shall retain all such ballots for one year following the date of the election, or longer if directed to do so by the Delaware Department of Election.

§ 110-107. Procedure by officials.

Upon receipt of the official envelope from the absentee voter, the Engineer, shall forthwith enclose the sealed ballot as received and unopened in a secure location and shall place his or her written signature on the official envelope, together with the date and time of receipt. The Engineer, or his designee, on the day of the election after closing of the polls, shall open the sealed ballots and shall record the vote of the absentee voter.

§ 110-108. Register of absentee voters.

The Engineer, shall cause to be provided a register of absentee voters. From the register, a list of names and addresses of all applicants for absentee ballots shall be compiled and shall be made available.

§ 110-109. Violations and penalties.

Whoever willfully files a false affidavit under the provisions of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$200 or imprisoned for a period of not more than 30 days, or both, and shall pay the costs of prosecution.

Article XVII. Septage Discharge

§ 110-110. Purpose.

Septage removed from any property located in Sussex County, Delaware, may be discharged at the Inland Bays Regional Wastewater Facility upon the terms and conditions set forth herein.

§ 110-111. Licensing and insurance requirements.

No user may discharge septage at a Facility until he has obtained a license from the Sussex County Engineering Department. The annual County licensing period is from July 1 through June 30. In order to obtain a license from the Sussex County Engineering Department, a person must provide the Engineering Department with the following:

- A. A State of Delaware Department of Natural Resources and Environmental Control (DNREC) permit issued to the user or a letter from DNREC which states that it will permit the user to haul septage for discharge at a Facility.
- B. A certificate of insurance verifying that user holds commercial general liability insurance in the minimum amount of \$1,000,000 combined single limit per occurrence.
- C. A certificate of insurance verifying that the user holds business auto liability insurance in the minimum amount of \$1,000,000 combined single limit per accident.
- D. A certificate of insurance verifying that the user holds worker's compensation and employer's liability insurance (if applicable) in the minimum amounts as follows: \$500,000 for each accident, \$500,000 for each employee for disease and a policy limit of \$500,000 for disease.
- E. A certificate of insurance verifying that the user holds such other insurance that may be required by state law, rule or regulation.
- F. State of Delaware business and waste hauler's licenses.

§ 110-112. Fees.

The County may assess each user an annual license fee and a self-supporting discharge rate per gallon as recommended by the Engineer and approved by County Council. The license fee and user rate shall be set during the annual Sussex County Budget process

§ 110-113. Discharge limitations.

The County may, by rules promulgated by the Engineer and posted at a Facility, regulate the following in connection with the discharge at a Facility:

- A. The amount of septage a user may discharge per discharge and per season.
- B. The hours during which a Facility will accept discharge from a user.
- C. The strength and toxicity of septage discharged by a user.

§ 110-114. Holding tank permit.

No septage obtained from a holding tank may be discharged at a Facility unless a holding tank permit has been issued by the Sussex County Engineering Department

for the holding tank that is the source of the septage to be discharged at the Facility. A fee shall be assessed for the issuance of a holding tank permit in an amount to be determined by the County and set during the annual Sussex County Budget process.

Article XVIII. Private Central Wastewater Systems

§ 110-115. Purpose.

In accordance with Title 26 of the Delaware Code, the State of Delaware Public Service Commission is authorized to issue certificates of public convenience and necessity (CPCN) for the construction and operation of privately owned and operated central sewer systems within the State.

The County plans, designs, finances and constructs sewer systems within the Unified Sanitary Sewer District. As part of this process, the County established five tier sewer service areas designating how certain parts of the County shall or can be served in the future depending on their tier area designation. Tier areas are utilized by the County to adequately plan, design, finance and construct the publicly owned sewer system. This Article is intended to provide a method for coordination with regulated private and/or municipal wastewater utilities.

§ 110-116. Prohibition within County sewer districts.

No private community wastewater system shall be permitted within a Tier 1 or Tier 2 Service Area and therefore no Certificates of Public Convenience and Necessity can be obtained in these areas.

§ 110-117. Approval required.

Certificates of public convenience and necessity can be obtained within a Tier 3 Service Area with prior approval of the Engineer as hereinafter provided.

A. Applicants seeking to obtain approval of an application for a certificate of public convenience and necessity within a Tier 3 Service Area must coordinate the request with and obtain prior approval from the Engineer before submitting an application to the Public Service Commission. The request shall include the following:

- 1) Address and location of the proposed private central wastewater system, including Tax Map and Parcel Number(s) where the treatment and disposal system will be located or the off-site regional treatment and disposal system to be utilized to serve the proposed CPCN.

- 2) List of the property or properties by Tax Map and Parcel Number to be served by the proposed CPCN.

§ 110-118. Review of request.

After obtaining all required information, and no later than 45 days after a request has been made, the Engineer shall approve the request for a CPCN within a Tier 3 Service Area in writing if it is determined that each of the following criteria have been favorably addressed:

- A. Sussex County will not reasonably be able to provide sewer service to the property within five years from the date the application is filed; and
- B. Sussex County has not performed a planning study that the applicant could use to implement the extension of a transmission pipeline system to connect the development to existing County infrastructure; and
- C. The system will not adversely affect Sussex County's ability to provide future sewer service to other properties in the area, including, but not limited to, other existing developments, individual properties or structures; and
- D. The system, if serving more than one property, will not interfere with the County's ability to construct future pipelines and/or mains within private or public rights-of-way or other areas as may be necessary; and
- E. The system will be constructed in such a manner that it could be interconnected with the County sanitary sewer system if the County sanitary sewer system becomes available; and
- F. The construction of the system does not adversely affect existing, designed or funded County sewer infrastructure, including, but not limited to, pipelines and/or mains sized to accommodate the property that is the subject of the application, pump stations sized to accommodate the property that is the subject of the application, treatment and disposal methods that have been or will be acquired to accommodate the treated wastewater.

§ 110-119. Appeal of Engineer's decision.

- A. In the event the CPCN request is denied by the Engineer or the county wide five-tier sewer service preference map issued by the Engineer is challenged, the applicant may take an appeal to County Council by filing a notice of appeal with County Council and stating the grounds therefor within 30 days after the Engineer's decision.

- B. County Council shall fix a date and time for a public hearing on the appeal, and give notice thereof by certified mail to the owner of the property that is the subject of the application, the applicant (if different from the owner), and the operator of the system, and by posting said notice conspicuously at the place to be served by the system. Such notice shall be given not less than 10 days before the date of the public hearing.
- C. The Engineer shall transmit to the County Council all papers and documents which constitute the record of the decision appealed. County Council shall conduct a hearing and consider all evidence presented from any party, including the party taking the appeal, the Engineer, the public or any other interested party, and may thereafter reverse or affirm the decision appealed.
- D. The information considered by County Council shall be limited to the application for approval of a CPCN within a Tier 3 Service Area and the criteria set forth in this Article.

§ 110-120. Notification required.

Certificates of public convenience and necessity can be obtained within a Tier 4 Area with prior notification as hereinafter provided.

- A. Applicants seeking to obtain the approval of the County for a CPCN within a Tier 4 Service Area must notify the Engineering Department in writing before submitting an application to the Public Service Commission. The notification shall include the following:
 - 1) Address and location of the proposed private central wastewater system, including Tax Map and Parcel Number(s) where the treatment and disposal system will be located or the off-site regional treatment and disposal system to be utilized to serve the proposed certificate of public convenience and necessity.
 - 2) List of the property or properties by Tax Map and Parcel Number to be served by the proposed certificate of public convenience and necessity.

§ 110-121. Effect on existing certificates of public convenience and necessity.

Article XVIII shall neither apply to any private central wastewater system for which a DNREC operational permit has been issued nor shall it apply to any property for which a CPCN has previously been granted by the Public Service Commission prior to January 1, 2018.

Article XIX. Revision of Sewer & Water District Boundaries

§ 110-122. Application and fee.

Any person, firm or corporation applying to the Sussex County Engineering Department for the revision of a sanitary or water area boundary without election pursuant to 9 Del. C. § 6502 shall be required to pay such an amount required to defray the administrative cost of the process of that request. This fee shall be set during the annual Sussex County Budget process.

§ 110-123. Payment of fee and refund.

The district boundary extension fee shall be paid in advance by the person, firm or corporation requesting the revision to the sewer or water district area without election. Such fee may be refunded on request, if the application is withdrawn on or before preparation of notices and advertising required by 9 Del. C. § 6502.

§ 110-124. Sewer district extension requirements.

Unless waived at the discretion of the Engineer, all requests to extend boundaries of the Unified Sanitary Sewer District shall require preparation of Sewer Service Concept Evaluation (SSCE) by the Utility Planning Division. Costs for the preparation of the SSCE are set by County Council as part of the annual budget process. The SSCE shall include, at a minimum, a hydraulic analysis of the impact of the creation, extension or modification, over the next five years, for the following items:

- A. The pump station and/or gravity sewer collection system servicing the proposed area extension of the Unified Sanitary Sewer District, and all systems associated therewith.
- B. All pumping stations, transmission mains, gravity-flow collection systems and associated pipelines downstream of the pumping station or gravity-flow collection system servicing the proposed area extension of the Unified Sanitary Sewer District.
- C. Any other potentially adverse flow or pumping conditions which may be encountered as a direct result of the proposed extension.
- D. The findings of the SSCE are valid for five years from the date of issuance. If no physical sanitary sewer improvements or direct financial contributions to

the County financed project(s) have occurred within the five-year period, then the SSCE shall be deemed null and void.

§ 110-125. Sewer service tier system and map adoption.

- A. A five-tier sewer service preference system shall be established. Sewer service to a parcel or project shall be planned and designed according to the applicable tier level.
- B. After 30 days notice, the County Engineer shall adopt and/or amend as necessary a county wide five-tier sewer service preference map. A party with standing may appeal the amended map in accordance with § 110-119.

§ 110-126. Tier descriptions.

A. Tier 1, Unified Sanitary Sewer District:

Areas where sewer service is currently provided by the County through the statutory authority granted to the County by Delaware Code. This may include serving specific users through contractual agreement. The County has invested monies in infrastructure and planning to provide service to these areas and all future development shall be served by the County.

B. Tier 2, Sewer Planning Area:

- 1) Any parcel or parcels immediately adjacent to the Unified Sanitary Sewer District Areas capable of annexation following the procedures set forth in Delaware Code.
- 2) Areas where the County has invested in monies to plan for future development and growth. These are areas designated as developing areas or areas with a significant amount of existing development in need of wastewater service and/or on-site septic elimination.

C. Tier 3, CPCN Coordination Area:

- 1) Areas where multiple existing CPCNs have been issued to regulated private utilities in addition to areas already served by the County requiring coordination between County and private utilities to optimize the use of existing sewer transmission infrastructure and treatment facilities. Any new CPCNs shall require a concurrence letter by the Engineer.

- 2) Areas where the County may enter into and/or require contractual agreements between the private utilities and the County or possibly between different private utilities.

Tier 4, Sewer System Optional Area

- 1) Areas where a central public sewer utility is desired for future development, however individual on-site systems will be permitted.
- 2) Areas where primary central sewer service is provided by private utilities under newly issued CPCN's with written notification of application to the Engineer.

Tier 5, Regulated on-site Sewer Disposal area

- 1) Previously sub-divided parcels where DNREC-approved individually owned on-site disposal systems may be installed.
- 2) Areas where the environmental benefit of centralized sewer does not out-weigh the cost to construct new public sewer service. However, DNREC approved individually owned on-site systems or central sewer systems exclusively served by private utilities with private funding may be permitted.

Section 3. Effective Date.

This Ordinance shall take effect on July 1, 2018.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2577 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF MAY 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL