



Sussex County Council Public/Media Packet

**MEETING:
May 1, 2018**

****DISCLAIMER****

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov
ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

MAY 1, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

American Legion Post 28 Auxiliary – Presentation of Memorial Poppy

Consent Agenda

1. **Wastewater Agreement No. 597-3**
Sussex County Project No. 81-04
The Woodlands – Phase 3
Miller Creek Sanitary Sewer District
2. **Wastewater Agreement No. 667-3**
Sussex County Project No. 81-04
Dove Landing – Pump Station Re-Design
Millville Expansion of the Bethany Beach Sanitary Sewer District
3. **Wastewater Agreement No. 378-8**
Sussex County Project No. 81-04
Warrington Creek – Phase 7 (aka Sawgrass South)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
4. **Wastewater Agreement No. 1063**
Sussex County Project No. 81-04
Camp Arrowhead Forcemain
Angola Neck Sanitary Sewer District



Todd Lawson, County Administrator

1. Administrator's Report

Old Business

1. Change of Zone No. 1770 – TD Rehoboth, LLC

Hans Medlarz, County Engineer

- 1. FY 2019 General Labor & Equipment Contract**
- 2. Concord Road Utility Upgrade-Expansion of the Blades Sanitary Sewer District, Project #15-03**
- 3. Presentation highlighting updates of Chapter 110 of the County Code**

Vince Robertson, Assistant County Attorney

- 1. Discussion and Possible Introduction of a Proposed Ordinance entitled “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”**

Grant Request

- 1. Woodbridge High School Performing Arts Boosters for band equipment**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 24, 2018 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 24, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 24, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

| | |
|-----------------------------|-----------------------------|
| Michael H. Vincent | President |
| George B. Cole | Vice President |
| Robert B. Arlett | Councilman |
| Irwin G. Burton III | Councilman |
| Samuel R. Wilson Jr. | Councilman |
| Todd F. Lawson | County Administrator |
| J. Everett Moore Jr. | County Attorney |

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 254 18
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Welcome/
Optimist
Intl. Club**

Mr. Lawson welcomed the students of the Optimist International Club of Sussex County who were in attendance to observe the Council meeting.

Minutes

The minutes of April 17, 2018 were approved by consent.

**Public
Comments**

Public Comments

Keith Steck commented on the Council's oversight of Boards, Commissions and other entities and especially the Board of Adjustment.

**Procla-
mation**

The Council presented a Proclamation entitled "PROCLAIMING THE MONTH OF APRIL AS *FAIR HOUSING MONTH* IN SUSSEX COUNTY" to Chris Lind, President of the Sussex County Association of Realtors.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. County Government Day – Thursday, April 26th

**Adminis-
trator's
Report
(continued)**

The County is pleased to again sponsor the annual County Government Day on Thursday, April 26th. At 9:30 a.m., high school juniors from Sussex County Girls and Boys State will meet in the County Council Chambers. A mock County Council session will occur, with the representatives assuming leadership roles. It is always an interesting experience to watch student representatives tackle county issues as presented by county department heads. This program can be seen and heard on the county's website.

**Delaware
Coastal
Business
Park/
Commercial
Lease
Agreement**

Hans Medlarz, County Engineer, presented a Lease Agreement for Lease Area 2 in the Delaware Coastal Business Park with DGS Properties, LLC (one of the real estate transfer agreements which existed when the Council authorized the purchase of the King Farm Industrial Park in November 2016). Mr. Medlarz requested Council's approval of a Commercial Lease Agreement with DGS Properties, LLC. He noted that there is a larger square foot area at the same unit price. The lease equates to \$196,000 for the entire lease period and it must be paid prior to the Lessee taking occupancy. The lease will expire in 2117, and has the option of being renewed for an additional 99 years, under the same terms and conditions.

**M 255 18
Approve
Commercial
Lease
Agreement**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the Commercial Lease Agreement for Lease Area 2 within the Delaware Coastal Business Park, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Bulk
Delivery
of Granular
Lime/
Bid Results**

Mr. Medlarz presented the bid results and recommendation to award the bid for the Bulk Delivery of Granular Lime, Project #18-17. The current contract is due to expire on June 30, 2018. Mr. Medlarz noted that even though only one bid was received (from the current provider – Greer Lime Company), the Engineering Department's efforts reveal the bid is consistent with local lime costs and is considered to be a fair price.

**M 256 18
Bid Award/
Bulk
Delivery
of Granular
Lime**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the Base Bid for Sussex County Project #18-14, Bulk Delivery of Granular Lime, be awarded to Greer Lime Company at the bid amount of \$197.45 per ton.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Property Maintenance RFP Results **Mr. Medlarz presented the bid results and bid recommendation to award the 2018 Sussex County Delaware Coastal, Industrial Park and Business Park Property Maintenance RFP, a one year site maintenance agreement, with the option to renew annually based on satisfactory performance, for up to five (5) years. Seven bids were received; the Engineering Department recommends the award of Base Bids 1 and 2 to Cutting Edge Lawn Care Services, Inc. for their low bid amount of \$317,160.00 and \$33,750.00, respectively, and Base Bid 3 to Layaou Landscaping, Inc., for their low bid of \$39,500.00. These amounts reflect maintenance over a 5-year period.**

M 257 18 Award Bid/Property Maintenance RFP **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the 2018 Sussex County Delaware Coastal Airport, Industrial Park and Business Park Property Maintenance RFP Base Bids 1 and 2 be awarded to Cutting Edge Lawn Care Services, Inc. for their low bid of \$317,160.00, representing a 5-year amount, and \$33,750.00, respectively, and that Base Bid 3 be awarded to Layaou Landscaping, Inc., for their low bid of \$39,500.00**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

General Labor & Equipment Contract/Change Order No. 4 **Mr. Medlarz presented Change Order No. 9, in the net amount of \$600,000 to the General Labor & Equipment Contract utilizing funds from the FY 2018 Budget for completion of budgeted work with expanded scopes of work and deferring monies from projects that will not be completed this fiscal year. Work will include Coastal Airport paving and concrete patching, Industrial Park stormwater drainage improvements, Delaware Coastal Business Park infrastructure improvements, Dewey water valve replacements, and for advance utility relocations associated with the new maintenance building.**

M 258 18 Approve Change Order/General Labor & Equipment Contract **A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Change Order No. 9 for Contract #17-01, FY 17 General Labor and Equipment, in the amount of \$600,000.00, be approved, expanding the scope of work for existing projects and deferring some originally budgeted work items.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Utility Easement Request **Mr. Medlarz presented a Utility Easement Request from Artesian Water Company, Inc. for Tax Parcel No. 533-18.00-15.00. Artesian proposes a permanent easement. The Engineering Department recommends approval**

Easement Request/ Artesian (continued)

of the Agreement at the \$7,145 valuation offered. Mr. Medlarz reported that the tenant's farming rights will have adequate protection under the lease agreement. He noted that the Department has discussed the proposal with the tenant farmer, Magee Farms.

M 259 18 Approve Granting of Easement/ Artesian Water Company

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the granting of an easement to Artesian Water Company, Inc. for Tax Parcel No. 533-18.00-15.00, in the amount of \$7,145.00.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Grant Requests

Andrea Wall, Manager of Accounting, presented grant requests for the Council's consideration.

M 260 18 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$750.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00 from Mr. Arlett's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

M 261 18 Countywide Youth Grant

A Motion was made by Mr. Cole, seconded by Mr. Burton, to give \$1,000.00 from Countywide Youth Grants to Big Brothers Big Sisters of Delaware for Bowl for Kids' Sake fundraiser.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

M 262 18 Countywide Youth Grant

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Countywide Youth Grants to First State Community Action Agency for the golf tournament fundraiser.

Motion Adopted: 5 Yeas.

**M 262 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CUTTING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.81 ACRE, MORE OR LESS” (Conditional Use No. 2141) filed on behalf of Miller’s Tree & Outdoor Services (David Miller) (Tax I.D. No. 532-16.00-14.01 (portion of) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS” (Change of Zone No. 1856) filed on behalf of Melissa and Nate Walker (Tax I.D. No. 234-17.00-35.00) (911 Address: 22935 John J. Williams Highway, Millsboro).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Cole discussed staffing needs in the Engineering Department and Planning and Zoning Department.

Mr. Cole commented on the fire that took the lives of a County employee’s grandchildren.

**M 263 18
Go Into
Executive
Session**

At 10:42 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session to discuss matters relating to land acquisition.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 10:44 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 11:04 a.m.

M 264 18 **At 11:06 a.m., a Motion was made by Mr. Burton, seconded by Mr. Cole, to**
Reconvene **come out of Executive Session and reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
 Mr. Wilson, Absent; Mr. Cole, Yea;
 Mr. Vincent, Yea

M 265 18 **A Motion was made by Mr. Burton, seconded by Mr. Cole, to approve the**
Approve **execution of a Contract and proceed to closing for a property for paramedic**
Execution **purposes on the tract identified as Land 2018-B.**
of Contract/

Land
Acquisition

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
 Mr. Wilson, Absent; Mr. Cole, Yea;
 Mr. Vincent, Yea

It was noted that Mr. Arlett recused himself due to a potential conflict of interest.

M 266 18 **A Motion was made by Mr. Cole, seconded by Mr. Burton, to adjourn at**
Adjourn **11:07 a.m.**

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea;
 Mr. Wilson, Absent; Mr. Cole, Yea;
 Mr. Vincent, Yea

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
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| FAX | (302) 855-7799 |



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE WOODLANDS - PHASE 3
AGREEMENT NO. 597 - 3

DEVELOPER:

Mr. Robert Harris
Woodlands Development, LLC
27 Atlantic Avenue
Ocean View, DE 19970

LOCATION:

N/E Corner of CR 363 & CR 84 / Double Bridges
RD

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision, 20 lots.
Lots 1-20

SYSTEM CONNECTION CHARGES:

\$133,560.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
09/17/17

Department of Natural Resources Plan Approval
4/10/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin and Construction Inspection Cost – \$21,239.40
Proposed Construction Cost – \$141,596.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
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| FAX | (302) 855-7799 |



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
DOVE LANDING - PUMP STATION RE-DESIGN
AGREEMENT NO. 667 - 3

DEVELOPER:

Mr. Jamie Weston
Beazer Homes
8965 Guilford Road
Suite 290
Columbia, MD 21046

LOCATION:

Roxana Rd. 1,800' south of Rt. 26

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Pump station and force main.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/31/17

Department of Natural Resources Plan Approval
11/28/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 120
Construction Admin and Construction Inspection Cost – \$79,136.84
Proposed Construction Cost – \$527,578.91



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
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| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 18, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
WARRINGTON CREEK - PHASE 7 (A/K/A SAWGRASS SOUTH)
AGREEMENT NO. 378 - 8

DEVELOPER:

Mr. Michael Accardi
Sawgrass South, L.L.C.
1300 Piccard Drive
Suite 103
Rockville, MD 20850

LOCATION:

South East Side of Old Landing Road

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

3 Townhouse buildings with 6 units per building

SYSTEM CONNECTION CHARGES:

\$114,480.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/04/05

Department of Natural Resources Plan Approval
03/14/05

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 120

Construction Admin and Construction Inspection Cost – \$3,704.75

Proposed Construction Cost – \$24,698.35



ENGINEERING DEPARTMENT

| | |
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| ADMINISTRATION | (302) 855-7718 |
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 19, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
CAMP ARROWHEAD FORCEMAIN
AGREEMENT NO. 1063

DEVELOPER:

Judith Gregory
The Episcopal Diocese of Delaware
913 Wilson Road
Wilmington, DE 19803

LOCATION:

Camp arrowhead road.

SANITARY SEWER DISTRICT:

Angola Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Private onsite pump station. County maintenance will begin when forcemain hits Camp Arrowhead right-of-way.
JTD

SYSTEM CONNECTION CHARGES:

\$6,360.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/13/18

Department of Natural Resources Plan Approval
02/09/18

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 20
Construction Admin and Construction Inspection Cost – \$35,040.00
Proposed Construction Cost – \$233,600.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 27, 2018

RE: County Council Old Business Report for CZ 1770 TD Rehoboth

The County Council held a public hearing on April 10, 2018. County Council deferred action for further consideration.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

**Council District No. 3 - Burton
Tax Map I.D. No. 235-23.00-1.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 114.4821 ACRES, MORE OR LESS

WHEREAS, a zoning application, denominated Change of Zone No. 1770 was filed on behalf of TD Rehoboth, LLC; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1770 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the northeast side of Route One (Coastal Highway) across from Route 88 (Cave Neck Road) and being more particularly described per the attached legal description provided by Frederick Ward Associates, said parcel containing 114.4821 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
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FAX (302) 855-7799



Sussex County

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Irwin G. Burton, III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

FROM: Hans Medlarz, P.E., County Engineer

RE: *FY 2019 General Labor & Equipment Contract, Project No. 19-01
Award Recommendation*

DATE: April 24, 2018

In the past, Sussex County followed a traditional design, bid and build approach. However, the increased minor and major capital project load associated with aging infrastructure required a more efficient project delivery system. In response, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment Contract for FY 17 was awarded to George & Lynch, Inc., on June 21, 2016, and was renewed on June 13, 2017, for an additional one-year period based on performance. Throughout this two (2) year timeframe, a significant scope of work was completed with considerable cost and time savings, proving the validity of the approach for Sussex County.

Based on the experience of the last two (2) years, the Engineering Department plans to further streamline project scheduling and completion. In addition to capitol project completion, the contract will provide emergency repair services to treatment facilities and transmission systems. The current bid schedule was structured on the actual hours spent on labor and equipment over the immediately preceding 12-months. The contract was publicly advertised using the "best value" approach by consideration of the following weighted factors:

- Price 75 points
- Qualification of Staff 5 points
- Schedule and Response Time 10 points
- Equipment & Labor Availability 10 points



Twelve (12) entities requested contract documents, four (4) qualified utility contractors attended the pre-bid meeting and on April 19, 2018, two (2) bids were received. The point summary is attached.

The Engineering Department recommends that County Council award the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc., of Dover, Delaware, at the bid amount of \$4,827,190.00. This contract award will be valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

GEORGE & LYNCH

Point Value

Price
\$4,827,190.00

75.00

Qualification of Staff

| | |
|-------------------|----|
| Preston Ayars | 8 |
| Christina Funk | 8 |
| Russell Reed | 9 |
| Michael Henrich | 9 |
| Bryon Warren | 8 |
| Chuck Krupka | 10 |
| Paul Martin | 9 |
| Brian Gsell | 8 |
| Larry Zuchelli | 8 |
| Subtotal Staffing | 77 |

8.56

5

Schedule (in hours)

| | |
|-----------------------------------|-------------|
| Response Time | 1 |
| Emergency Response Working Hours | 2 |
| Emergency Response Non-Work Hours | 4 |
| Average Response Time | 2.33 |

10

Equipment & Labor Availability

| | |
|-----------------------|--------------|
| Heavy Equipment | 100.00 |
| Labor | 81.25 |
| AVG Percentage | 90.63 |

10

100

A-DEL CONSTRUCTION

| | | | Point Value |
|---|----------------|-----------|-------------|
| Price | | | |
| | \$6,902,968.00 | | 52.45 |
| Qualification of Staff | | | |
| Mitch Seitz | 8 | | |
| Patrick Kintz | 7 | | |
| Frank Ashley | 8 | | |
| Delman Gonzalez | 7 | | |
| James Thomas | 0 | No Resume | |
| Todd Brandow | 6 | | |
| Bryon Warren | 8 | | |
| Tom Moore | 7 | | |
| Hector Cueva | 7 | | |
| Subtotal Staffing | 58 | 6.44 | 3.77 |
| Schedule (in hours) | | | |
| Response Time | 4 | | |
| Emergency Response Working Hours | 4 | | |
| Emergency Response Non-Work Hours | 6 | | |
| Average Response Time | 4.67 | | 4.67 |
| Equipment & Labor Availability | | | |
| Heavy Equipment | 78.95 | | |
| Labor | 75.00 | | |
| AVG Percentage | 76.97 | | 8.49 |
| | | | |
| Total Point Score | | | 69.4 |

ENGINEERING DEPARTMENT

| | |
|---------------------------|----------------|
| ADMINISTRATION | (302) 855-7718 |
| AIRPORT & INDUSTRIAL PARK | (302) 855-7774 |
| ENVIRONMENTAL SERVICES | (302) 855-7730 |
| PUBLIC WORKS | (302) 855-7703 |
| RECORDS MANAGEMENT | (302) 854-5033 |
| UTILITY ENGINEERING | (302) 855-7717 |
| UTILITY PERMITS | (302) 855-7719 |
| UTILITY PLANNING | (302) 855-1299 |
| FAX | (302) 855-7799 |



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George Cole, Vice President
The Honorable Samuel R. Wilson, Jr
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer

RE: ***CONCORD ROAD UTILITY UPGRADE –
EXPANSION OF THE BLADES SANITARY SEWER DISTRICT
CHANGE ORDER NO. 1***

DATE: May 1, 2018

On October 3, 2017 County Council approved the Concord Road Construction Agreement with the Town of Blades and the associated Amendment No. 3 to the base contract with DBF. The Agreement contemplated the County advertising and bidding the two projects in one construction document with separate bid schedules and design plans for the County sewer project and for the Blades water project; the latter being a bid alternate. On November 14, 2017 County Council awarded Contract No. 15-03 to Zack Excavating Inc, in the total amount of \$2,403,782.00. The base bid for Sussex County sewer was \$1,605,824.75 and the bid alternate for Blades water was \$797,957.25. USDA, Rural Development has provided loan and grant funding for both parties separately. Under the terms of the Agreement between Sussex County is the party to the entire contract with Zack Excavating, Inc, with the County making all initial payments and receiving reimbursement from USDA on behalf of the Town of Blades, upon completion of the contract.

Work involving the Blades water system installation has resulted in the need for Change Order No.1 which has been reviewed and approved by the Town of Blades and their Engineer (Davis, Bowen and Friedel). This Change Order must also be approved by Sussex County as the contract holder. There are four (4) items involved. First, the new water line needs to be placed on the west side of Brickyard Road due to conflicting utility lines on the west side, where originally designed. The second item involved the addition of a specialty fitting. The third item resulted from the need to open cut a lateral water line designed as a jack and bore installation which failed due to a buried obstruction. The last item was required due to the need to remove a concrete encasement on the existing water main that was unknown and not represented on the plans. The Engineering Department recommends Change Order No. 1 in the amount of 31,776.86 for a new Blades water total contract value of \$829,734.11 and an overall total contract value of \$2,435,558.86.



UNITED STATES
DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

AND STATE OF DELAWARE
OR DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL
DIVISION OF WATER RESOURCES
FINANCIAL ASSISTANCE BRANCH

ORDER NO: 1
DATE: April 5, 2018

STATE: Delaware

SEPARATELY OR JOINTLY FUNDED PROJECT

COUNTY: Sussex

CONTRACT CHANGE ORDER

CONTRACT FOR: Concord Road Utility Upgrade Project

OWNER: Town of Blades

TO: Zack Excavating, Inc.
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

| Description of Changes (Supplemental Plans and Specifications Attached) | DECREASE In Contract Price | INCREASE In Contract Price |
|---|-------------------------------|-------------------------------|
| 1) See attached Change Request 001 | \$ | \$ 8,394.00 |
| 2) See attached Change Request 002 (\$813.62 each for maximum of 3) | | 2,440.86 |
| 3) See attached Change Request 003 | | 15,325.00 |
| 4) See attached Change Request 004 | | 5,617.00 |
| TOTALS | \$ 0.00 | \$ 31,776.86 |
| NET CHANGE IN CONTRACT PRICE | \$ | \$ 31,776.86 |

JUSTIFICATION: Explain (Differing Site Conditions) (Errors or Omissions in Drawings or Specifications) (Changes in Regulatory Requirements (Design Changes) (Over run or Under run in Quantities) (Factors Affecting Time of Completion) (Other: Describe below)

The attached Change Request 001 is to provide additional work due to a design change required by location of conflicting utilities on the east side of Brickyard Road. The attached Change Request 002 is to provide a specialty fitting to ensure that the minimum casing distance (per DelDOT) is achieved. The attached Change Request 003 is to cover the cost of the failed Jack-and-Bore at Sta. 0+00. The attached Change Request 004 is to cover the cost of extra work for removal of the end of the existing water main due to concrete encasement.

The Original Amount of the Contract: _____

Two Million, Four Hundred Three Thousand, Seven Hundred Eighty-Two and 00/100 Dollars \$2,403,782.00

The amount of the Contract as adjusted by all previously approved Change Orders: _____

Two Million, Four Hundred Three Thousand, Seven Hundred Eighty-Two and 00/100 Dollars \$2,403,782.00

The amount of the Contract will be increased through this Change Order By the Sum of: _____

Thirty-One Thousand, Seven Hundred Seventy-Six and 86/100 Dollars \$31,776.86

The Contract Total Including this and previous Change Orders Will Be: _____

Two Million, Four Hundred Thirty-Five Thousand, Five Hundred Fifty-Eight and 86/100 Dollars \$2,435,558.86

The Contract Period Provided for completion will be Unchanged by: 0 Calendar Days

CONTRACT CHANGE ORDER FORM

CHANGE ORDER NO. 1

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: *Hans ducker* *4/24/18*
Sussex County Engineering
(Date)

Recommended: *Viktor D. Altymann* *4/17/18*
Town of Brides
(Date)

Recommended: *John M. See CA-DBF* *4/9/18*
Owner's Architect/Engineer
(Date)

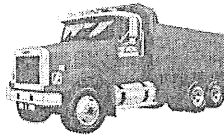
Accepted: *John Gurbani* *4-5-18*
Contractor
(Date)

Approved by USDA: _____ United States Department of Agriculture - Rural Development _____
(Date)

This form provides all information required by USDA Form RD 1924 (Rev. 2-97)

Zack Excavating, Inc.

2935 South Dupont Blvd
Smyrna, DE 19977



Office: (302) 223-6223

Fax: (302) 223-6531

001

3-22-18

To: John McGee
DBF
From: John Czachorowski
Zack Excavating Inc.

RE:

Change order request for additional work for water main realignment on Brickyard rd

Extra work

- Excavate and remove newly installed valve at station 25+80
- Install plug and buttress
- backfill
- Excavate and install new tee/buttress at station 25+60
- Reinstall salvaged 10" gate valve
- Backfill
- Calculate new coordinates for layout
- Re stake layout on site

Labor

| | | | |
|----------|-----------|---------|----------|
| Forman | 7 hours@ | \$60/hr | \$420.00 |
| Laborer | 14 hours@ | \$40/hr | \$560.00 |
| Operator | 7 hours@ | \$50/hr | \$350.00 |

Equipment

| | | | |
|----------------|----------|---------|----------|
| Mini excavator | 7 hours@ | \$50/hr | \$350.00 |
| Pickup truck | 7 hours@ | \$50/hr | \$350.00 |

Materials

| | | | |
|---------------------|----------|--------|----------|
| One 10" plug | 36 lbs @ | \$3/lb | \$108.00 |
| Two 10" long sleeve | 68 lbs @ | \$3/lb | \$408.00 |
| Nine 10" megalugs | 24 lbs@ | \$3/lb | \$648.00 |

Surveying and stakeout

| | | |
|-----------|----------|------------|
| 12 hours@ | \$150/hr | \$1,800.00 |
|-----------|----------|------------|

Hand Digging around

| | |
|---------------------------------|------------|
| underground Utilities not shown | \$1,000.00 |
|---------------------------------|------------|

Total **\$5,994.00**

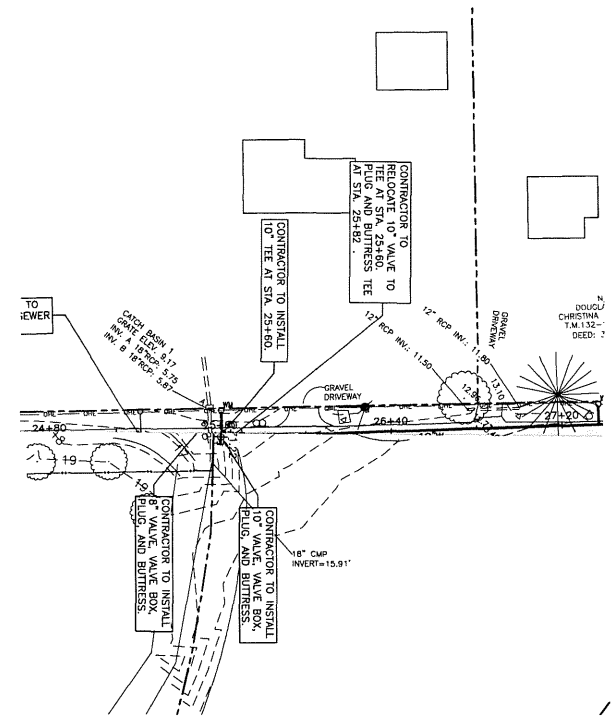
| | | |
|---------------------------------------|-----------|-------------------|
| 2" water service by directional drill | \$60/LF + | \$2,400.00 |
| Total | | \$8,394.00 |

Thank you,

John Czachorowski

Project Manager

Zack Excavating, Inc.



DESIGNED BY:
CHRISTINA T.M.132
CHECKED BY:

CONCORD ROAD WATERLINE EXTENSION

TOWN OF BLADES

SUSSEX COUNTY, DELAWARE

Revisions:
3/14/18 - WATERMAIN
REDESIGNED

Date: JUNE 2017
Scale: AS SHOWN
Drawn By: PAB
Proj. No.: 0706A010
Dwg. No.:



DAVIS,
BOWEN &
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

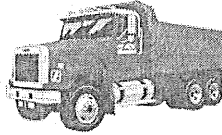
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

WATERLINE PLAN

Professional Engineer, I, hereby certify that I have examined the above-mentioned drawings and specifications and that they conform to the requirements of the Delaware Professional Engineer Act and the rules and regulations of the Board of Professional Engineers, State of Delaware, effective 10/1/18.

AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2018

Zack Excavating, Inc.
2935 South Dupont Blvd
Smyrna, DE 19977



Office: (302) 223-6223
Fax: (302) 223-6531

3-13-18

002

To :John McGee
DBF

From:John Czachorowski
Zack Excavating Inc.

RE:

Change order request for additional work to install Fosters adapter.The estimated quantity is 3 different locations.

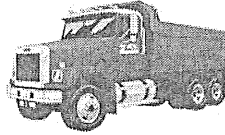
Mr.McGee,
Zack Excavating is requesting a change order for additional work requested to install Fosters adapters on previously installed water main.

Scope of work

| | |
|---------------------------------------|----------------------|
| 2 laborers for 1.5 hours @ \$75.00/hr | \$225.00 |
| Operator for 1.5 hours @ \$75.00/hr | \$112.50 |
| Forman for 1.5 hours @ \$80.00/hr | \$120.00 |
| Material | \$250.00 |
| 15% OHP | \$106.12 |
| <u>Total</u> | <u>\$813.62/EACH</u> |

Thank you,
John Czachorowski
Project Manager
Zack Excavating, Inc.

Zack Excavating, Inc.
2935 South Dupont Blvd
Smyrna, DE 19977



Office: (302) 223-6223
Fax: (302) 223-6531

4-3-18

003

To: John McGee
DBF
From: John Czachorowski
Zack Excavating Inc.
RE:

Change order request for additional work for failed Jack and Bore at station 0+00

Extra work:

**Provide support for Jack and Bore Subcontractor
Excavate to locate unknown abandoned gas line not identified on drawings
Coordinate with Cheseapeake Utilities to verify found abandoned gas main is not in**

service

Labor

| | | | |
|----------|-------------|---------|------------|
| Forman | 12.5 hours@ | \$60/hr | \$750.00 |
| Laborer | 25 hours@ | \$40/hr | \$1,000.00 |
| Operator | 16 hours@ | \$50/hr | \$800.00 |

Equipment

| | | | |
|------------------------------|-------------|------------|------------|
| Excavator | 12.5 hours@ | \$100/hr | \$1,250.00 |
| Pickup truck | 12.5 hours@ | \$50/hr | \$625.00 |
| Loader | 12.5 hours@ | \$60.00/hr | \$750.00 |
| Shoring box and steel plates | | | \$250.00 |

MOT

| | | | |
|----------------|--------------|------------|----------|
| Mot supervisor | 12.5 hours @ | \$60.00/hr | \$750.00 |
| Two flaggers | 25 hours @ | \$25.00/hr | \$625.00 |
| 4 signs | | | \$200.00 |

Total \$7,000.00

Subcontractor charge for Jack and Bore

| | | |
|--------------|--|-------------------|
| | | \$7,250.00 |
| 15% OHP | | \$1,075.00 |
| Total | | \$8,325.00 |

TOTAL \$15,325.00

Thank you,
John Czachorowski
Project Manager
Zack Excavating, Inc.



March 2, 2018

TO: John Czachorowski
OF: Zack Excavating Inc.

RE: Concord Road Street – Jack & Bore Proposal REV

Proposal No. 018-0036

Dear John,

SPRiG is pleased to provide the following proposal to furnish labor, equipment and necessary materials to complete the installation of seven (7) casings under Concord Road in Seaford, DE.

6

Scope of Work

Jack & Bore: (0.375" WT casing) bare steel casing - 10FT JOINTS

- SPRiG to furnish and install steel casing, via jack & bore technology

| | | | | |
|-----------------------|-----|---|---------------|-------------|
| WATER & SEWER Casings | 6EA | @ | \$7,250.00/EA | \$43,500.00 |
|-----------------------|-----|---|---------------|-------------|

Qualifications/Exclusions

- SPRiG has assumed dirt conditions over the entire length of the bore. In the event ROCK or any other obstruction is encountered that stops the progression of the jack & bore operation, SPRiG will be compensated for casing installed at the contract unit price plus the cost of stored materials. All work affiliated with clearing the ROCK or obstruction is to be re-negotiated.
- General Contractor (GC) to excavate, shore and dewater jacking and receiving pits to OSHA Standards
- Jacking Pit to be a minimum of 24ft long and 8ft wide (inside dimensions) with ¾" clean stone subbase. *The stone grade will be approximately 14 inches below the invert of the 16 & 18 inch STEEL Casings. 16 inches below the invert of the 12 inch casings*
- GC to provide excavator with operator to handle auger boring equipment and casing over the duration of the bore. Boring machine weighs 10,000#
- Zack to provide and install carrier pipe thru casing
- All permits and inspection fees are provided by Others
- GC to test hole / soft dig to the bottom of all utilities prior to SPRiG mobilization to determine jacking pit depth of excavation. Steel casing should have a 2ft separation from the top of the steel casing to the bottom of the closest utility to be crossed.
- GC to provide engineering and layout complete with survey points in front of and behind jacking pit to allow for proper casing alignment with string lines and plumb bobs.
- Testing by Others.
- Down time delays due to permit issues, utility interferences and/or obstructions, GC inadequate preparation will be billed at an hourly rate of \$250/HR.
- Prices quoted valid for 30 days
- No **RETAINAGE** to be withheld
- Billing will be based on ACTUAL footage of casing installed.
- In the event this contract is referred to an attorney & or collection agent, SPRiG is to be reimbursed in full for all attorney & collection fees.
- **Payment terms net 30 days.** A 2% finance charge will be assessed per month to the unpaid balance after 30 days from the invoice date.

Thank you for the opportunity.

210 Abbotsford Drive
Middletown, DE 19709



Sincerely,
SPRiG

George Burris, IV
President

cc: File

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date of Acceptance: 3-2-18

Owners Representative
Signature:

A handwritten signature in cursive script, appearing to read "John G. Burris", is written over a horizontal line.

John McGee

From: John Czachorowski <jzack@zackexc.com>
Sent: Friday, March 23, 2018 3:26 PM
To: Aaron Goller
Cc: John McGee; Jason Loar; Vikki Prettyman; Brandon Slater; mmebb@aol.com
Subject: Re: watermain tie in station 0+00 RFI

004

Aaron,
This is the cost I estimated.

EXTRA WORK:

DEWATER main \$1,000.00

Remove mass concrete
remove fh
remove 6" GV
hand dig around existing gas main

LABOR
4 hrs op,for,lab,lab,lab @ \$230/hr \$920.00

Equipment
excavator 4 hrs @\$50/hr \$200.00
pickup tr 4 hrs@\$50/hr \$200.00

Reinstall fh and GV

Labor
1 hr \$230.00
Equipment
1 hr \$100.00

Dispose of demo materials \$250.00

TOTAL \$1,900.00

Project item pricing

10' 10" c-909 \$810.00
10" hydrant tee \$711.00
2 10" megalugs \$144.00
3 6" megalugs \$108.00
4 3/4" all thread \$40.00

| | | | |
|---------------------------|------------------|-----------------------|----------|
| concrete buttress | | \$200.00 | |
| 6" mj 90 | | \$132.00 | |
| 2 6" retainer glands | | \$72.00 | |
| 10' 6" DIP | 10*\$50 per foot | \$400.00 | \$500.00 |
| 10" gate valve | | \$3,000.00 | |

| | | | |
|--------------|--|-----------------------|------------|
| TIE IN TOTAL | | \$8,517.00 | \$5,617.00 |
|--------------|--|-----------------------|------------|

Note:

This assumes that the Town of Blades will provide 100% shut down of existing water main. If 100% shut down is not achieved, additional charges will apply.

If acceptable,
I will generate a COR with the extra work only.

Thank you,
John

Quoting Aaron Goller <akg@dbfinc.com>:

- > John:
- >
- > DBF has spoken to Brandon at the Town of Blades. Would you be able to
- > confirm the following information regarding the connection to the
- > existing watermain at proposed watermain station 0+00 on Concord Road.
- >
- > It is our understanding that the existing watermain will need to be
- > dewatered to complete the tie in, due to concrete being poured over
- > the existing cap, valve, and hydrant tee.
- >
- > DBF's projected repair would include the following steps:
- >
- > 1. Dewater watermain
- > 2. Excavate and cut watermain prior to the concrete encasement (10 ft
- > C-909 PVC) (\$810) 3. Install new 10" valve (\$3000) 4. Pressurize
- > existing system 5. Install hydrant Tee (\$711) 6. Reinstall existing
- > hydrant with new 6"DI pipe and 90 degree fitting (pipe - \$400, fitting
- > - \$255)
- >
- > Total cost - \$5,176
- >

Sussex County Engineering Department

AMENDED AND RE-STATED CHAPTER 110 *

County Council Presentation
May 1, 2018



* The re-write of Chapter 110, if approved will supersede the existing Chapter 110 as well as all policy based adjustments, memos and exceptions.



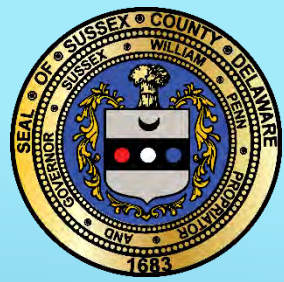
Agenda

1. **Code Revision Trigger Points**
2. **Amendment Highlights**
3. **New Programs**
4. **Amended Design Details**
5. **Financial Aspects**
6. **Proposed Implementation Schedule**
7. **Discussion Points**
8. **Questions & Comments**



Code Revision Trigger Points

1. **In May 2016, County Council adopted a Unified Sewer District approach requiring changes to certain sections within Chapter 110.**
2. **In 2017, County Council adopted the ability to bill debt service by EDU versus Front Foot Assessment making certain sections of Chapter 110 obsolete.**
3. **Clarification of the basis and usage limitations of System Connection Charges.**
4. **The 2018 Draft Comprehensive Plan suggests modifications to sewer system planning requiring companion changes in Chapter 110.**
5. **Use of existing infrastructure capacity had not previously been codified requiring integration in the Code.**
6. **Allowing a residential EDU category of <1.0 for small multifamily units required a change to the sewer assessment categories.**



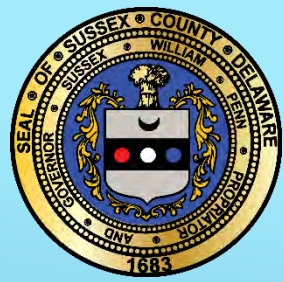
Amendment Highlights

- 1. Definitions were consolidated in one location, new ones added and obsolete ones deleted.**
- 2. Introduction of a free standing Technical Bulletin for Building Sewer and Water Service outside of the Code allowing modifications as materials and techniques change.**
- 3. References to the Revised Sussex County Sewer and Water Standards.**
- 4. Revised Assessment standards in several over/under charged categories.**
- 5. Articles re-organized to group common subjects together.**
- 6. Articles removed that no longer pertain to the Engineering Department's mission.**
- 7. Clarification of District/Area creation, voter eligibility and procedures.**



Amendment Highlights (continued)

- 8. Sewer service area Tier System versus countywide planning area allowing implementation of an effective county wide sewer system planning.**
- 9. Residential sewer connection/service charge reduction for 1-bedroom assessments and less.**
- 10. Sewer service availability fee expressed in a percentage of the service charge.**
- 11. Sewer Connection Charge tied to proposed system wide improvements applicable to all development.**
- 12. Annual license fee and self-supporting discharge rate for septage haulers.**
- 13. Emergency as well as any temporary water service disconnection and/or reconnection.**
- 14. Introduction of Sewer Service Concept Evaluation completed by County Engineering staff prior to submittal of construction documents.**



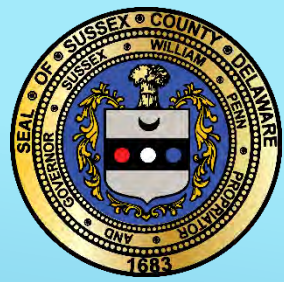
New Programs

1. Private Fire Suppression Service (§ 110-57)

- A. Apply to the Engineer, obtain approval and receive a permit.
- B. All costs borne by the applicant.
- C. Required for on-premise fire hydrants, automatic sprinklers or other fire suppression service devices.
- D. County to set fees as part of Annual Budget process.

2. Sewer System Concept Evaluation (§ 110-124)

- A. County staff to identify project Tier & connection point.
- B. Service to off-site parcels including all parcels subdivided out of original parcel.
- C. Identify potential system impacts or Infrastructure Use Agreement.



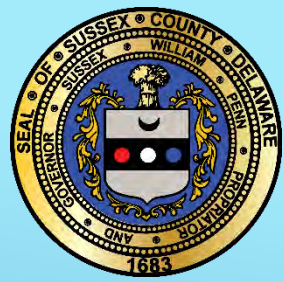
Amended Design Details

1. Reductions in Gallons Per Day per EDU

- A. Reduction in Gallons Per Day (GPD) per EDU used for design from 300 GPD to 250 GPD.
- B. Infrastructure will be sized more appropriately therefore reducing cost for initial installation and maintenance.

2. Revisions in the Peaking Factor

- A. Adjusted the formula for the Peaking Factor used for pump station design which decrease pump station size and forcemains.
- B. Reduction in equipment oversizing will reduce cost for initial installation, maintenance and power consumption.



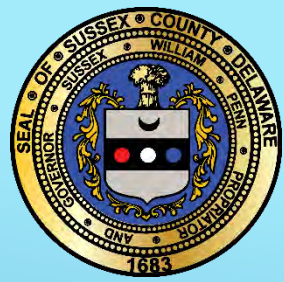
Financial Aspects

1. **License fee and self-supporting discharge fee for septage hauler.**
2. **Revised assessment tables for several usage categories reflecting more accurately system impact. (revenue neutral)**
3. **Expanded charge for emergency or any temporary water service disconnection and/or reconnection requested by Customer.**
4. **New programs allow for collection of fees and better control of our system:**
 - A. **Fire Suppression Service**
 - B. **Sewer Service Concept Evaluation**
 - C. **Use of Existing Infrastructure Agreements granting access to available sewer system capacity in exchange for a formula based financial catch up contribution.**



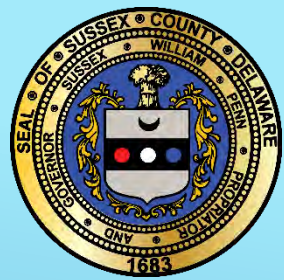
Proposed Schedule

| Time Frame | Phase |
|--------------|--|
| May 1, 2018 | Introduction of Ordinance |
| May 22, 2018 | Public Hearing & Adoption of Ordinance |
| June 2018 | Finalize Tech Bulletin & Standards Documents |
| June 2018 | Establish fees in Annual Budget Ordinance |
| July 1, 2018 | Ordinance takes effect |



DISCUSSION POINTS

- 1. Notification and Implementation of revised Code.**
- 2. Creating forms for new programmatic implementation.**
- 3. Finalization and Distribution of revised Sussex County Sewer & Water Standards.**
- 4. Finalization and Distribution of the Technical Bulletin for Building Sewer and Water Service.**



Questions / Comments

1 AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER
2 110, BY DELETING THAT CHAPTER IN ITS ENTIRETY AND AMENDING
3 AND RESTATING IT IN ITS ENTIRETY.

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

7 WHEREAS, in 2016, Sussex County adopted a Unified Sewer District for all
8 County owned and operated sewer districts which created the need to amend Chapter
9 110 of the Code of Sussex County for consistency with the new Unified District; and

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

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

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

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

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

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

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

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

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

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

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

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

44 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

47 **[PART 1: SEWER USE**

48
49 **§ 110-1 Deposit of certain wastes.** It shall be unlawful for any person to place,
50 deposit or permit to be deposited in any unsanitary manner on public or private
51 property in any area served by a Sussex County sanitary sewer or a Sussex County
52 water and sanitary sewer district any human or animal excrement, garbage or other
53 objectionable waste.

54 **§ 110-2 Discharges to natural outlets.** It shall be unlawful to discharge to any
55 natural outlet in any area served by a Sussex County sanitary sewer district or a
56 Sussex County water and sanitary sewer district any sewage or other polluted waters.

57 **§ 110-3 Use of privies, privy vaults, septic tanks and cesspools.** Where public
58 sewers are provided in an area served by a Sussex County sanitary sewer district, it
59 shall be unlawful to construct or maintain any privy, privy vault, septic tank,
60 cesspool or other facility intended or used for the disposal of sewage.

61 **§ 110-4 Connection to public sewer required.**

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

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

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

83 **Article II: Building Sewers and Connections**

84 **§ 110-5 Permit required.** No unauthorized person shall uncover, make any
85 connections with or opening into, use, alter or disturb any public sewer or
86 appurtenance thereof without first obtaining a permit from the county.

87 **§ 110-6 Classes of building sewer permits; permit applications.**

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

89 **(1)** For residential and commercial service.

90 **(2)** For service to establishments producing industrial wastes.

91 **B.** Permit applications.

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

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

103 **§ 110-7 Expenses; indemnification of county.** All costs and expenses incident to
104 the installation and connection of the building sewer shall be borne by the owner.
105 The owner shall indemnify the county from any loss or damage that may directly or
106 indirectly be occasioned by the installation of the building sewer.

107 **§ 110-8 Separate building sewers required.** A separate and independent building
108 sewer shall be provided for every dwelling, building or property used for human
109 occupancy, employment, recreation or other purpose. A building sewer shall not
110 service more than one:

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

114 **B.** Industrial, commercial or manufacturing establishment.

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

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

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

121 **§ 110-9 Use of old building sewers.** Old building sewers may be used in connection
122 with new buildings only when they are found, on examination and test by the
123 Engineer, to meet all requirements of this Part 1.

124 § 110-10 **Materials and methods.** The connection of the building sewer into the
125 public sewer and the size, slope, alignment and materials of construction of the
126 building sewer and the methods to be used in excavating, placing of the pipe,
127 jointing, testing and backfilling the trench shall all conform to the requirements of
128 the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex
129 County Sewer Districts and Sussex County Water and Sanitary Sewer Districts,
130 Article VII of this Part 1.

131 § 110-11 **Connection of building sewer to public sewer.** The applicant for the
132 building sewer permit shall notify the Engineer when the building sewer is ready for
133 inspection and connection to the public sewer. The connection shall be made under
134 the supervision of the Engineer or his authorized representative.

135 § 110-12 **Excavations.** All excavations for building sewer installation shall be
136 adequately guarded with barricades and barricades and lights at night so as to protect
137 the public from hazard. Streets, sidewalks, parkways and other public property
138 disturbed in the course of the work shall be restored in a manner satisfactory to the
139 county.

140 § 110-13 **Definitions; word usage; abbreviations.**

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

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

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

148 **AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER**

149 May be:

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

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

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

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

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

163 **CATEGORICAL STANDARDS** National Categorical Pretreatment Standards or
164 pretreatment standards.

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

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

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

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

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

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

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

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

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

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

194 **INDUSTRIAL USER** A source of indirect discharge which does not constitute a
195 discharge of pollutants under regulations issued pursuant to Section 402 of the Act
196 (33 U.S.C. § 1342.).

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

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

210 **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR**
211 **NPDES PERMIT** A permit issued pursuant to Section 402 of the Act (33 U.S.C.
212 § 1342.).

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

216 **NEW SOURCE** Any source, the construction of which is commenced after the
217 publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317)

218 Categorical Pretreatment Standard which will be applicable to such source, if such
219 standard is thereafter promulgated within 120 days of proposal in the Federal
220 Register. Where the standard is promulgated later than 120 days after proposal, a
221 "new source" means any source, the construction of which is commenced after the
222 date of promulgation of the standard.

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

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

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

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

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

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

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

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

249 **PUBLICLY OWNED TREATMENT WORKS (POTW)** A treatment works as
250 defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this
251 instance by the county. This definition includes any sewers that convey wastewater
252 to the POTW treatment plant. For the purposes of this Part 1, "POTW" shall also
253 include any sewers that convey wastewaters to the POTW from persons outside the
254 county who are, by contract or agreement with the county, users of the county's
255 "POTW."

256 **SIGNIFICANT INDUSTRIAL USER** Any industrial user of the county's
257 wastewater disposal system who has a discharge flow of 9,000 gallons or more per
258 average workday or has a flow greater than 5% of the flow in the county's wastewater
259 treatment system or has, in his wastes, toxic pollutants as defined pursuant to Section
260 307 of the Act or is found by the county, Delaware DNREC or the United States
261 Environmental Protection Agency (EPA) to have significant impact, either singly or
262 in combination with other contributing industries, on the wastewater treatment
263 system, the quality of sludge, the system's effluent quality or air emissions generated
264 by the system.

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

268 **STATE** The State of Delaware.

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

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

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

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

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

282 **WASTEWATER CONTRIBUTION PERMIT** As set forth in §§ 110-26 through
283 110-31 of this Part 1.

284 **WATERS OF THE STATE** All streams, lakes, ponds, marshes, watercourses,
285 waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems
286 and all other bodies or accumulations of water, surface or underground, natural or
287 artificial, public or private, which are contained within, flow through or border upon
288 the state or any portion thereof.

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

290 **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.

291 **§110-14 General discharge prohibitions.** No user shall contribute or cause to be
292 contributed, directly or indirectly, any pollutant or wastewater which will interfere
293 with the operation or performance of the POTW. These general prohibitions apply
294 to all such users of a POTW, whether or not the user is subject to National
295 Categorical Pretreatment Standards or any other national, state or local pretreatment
296 standards or requirements. A user may not contribute the following substances to
297 any POTW.

298 **A.** Any liquids, solids or gases which, by reason of their nature or quantity, are or
299 may be sufficient, either alone or by interaction with other substances, to cause fire
300 or explosion or be injurious in any other way to the POTW or to the operation of the
301 POTW. At no time shall two successive readings on an explosion hazard meter at
302 the point of discharge into the system (or at any point in the system) be more than
303 5%, nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
304 No person shall discharge any prohibited materials to any public sewer or POTW.
305 Prohibited materials include but are not limited to gasoline, kerosene, naphtha,
306 benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates,
307 perchlorates, bromates carbides, hydrides and sulfides and any other substances
308 which the county, the state or the EPA has notified the user are a fire hazard or a
309 hazard to the system.

310 **B.** Solid or viscous substances, either whole or ground by garbage grinders, which
311 may cause obstruction to the flow in a sewer or other interference with the operation
312 of the wastewater treatment facilities, such as but not limited to grease, garbage with
313 particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch
314 manure, bones, hair, hides or fleshings entrails, whole blood, feathers, ashes, cinders,
315 sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings,
316 rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues,
317 residues from refining or processing of fuel or lubricating oil, mud or glass grinding
318 or polishing wastes.

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

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

328 **E.** Any noxious or malodorous liquids, gases or solids which, either singly or by
329 interaction with other wastes, are sufficient to create a public nuisance or hazard to
330 life or are sufficient to prevent entry into the sewers for maintenance and repair.

331 **F.** Any substance which may cause the POTW's effluent or any other product of
332 the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and
333 reuse or to interfere with the reclamation process. In no case shall a substance
334 discharged to the POTW cause the POTW to be in noncompliance with sludge use
335 or disposal criteria, guidelines or regulations developed under Section 405 of the
336 Act; or any criteria, guidelines or regulations affecting sludge use or disposal
337 developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic
338 Substances Control Act or state criteria applicable to the sludge management method
339 being used.

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

342 **H.** Materials which exert or cause:

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

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

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

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

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

353 **I.** Any wastewater or vapor having a temperature which will inhibit biological
354 activity in the POTW treatment plant resulting in interference, but in no case
355 wastewater with a temperature at the introduction into the POTW pipelines which
356 exceeds 150° F. or an average temperature over an eight-hour period greater than
357 100° F. or at the introduction to the treatment plant which increases the temperature
358 of the wastewater entering the treatment plant to above 104° F. (40° C.).

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

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

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

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

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

| Substance | Maximum Allowable Concentration (mg/l) |
|-----------------------------|---|
| Arsenic as As | 0.5 |
| Cadmium as Cd | 0.4 |
| Chromium (hexavalent) as Cr | 0.2 |
| Cyanide as Cn | 0.5 |
| Lead as Pb | 0.5 |

| Substance | Maximum Allowable Concentration (mg/l) |
|---|---|
| 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 |

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

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

391
 392 **§ 110-15 Pretreatment.**

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

401
 402 (1) Require that the waste discharge be stopped or reject the application to
 403 discharge proposed waste;

404
 405 (2) Require pretreatment in compliance with National Categorical
 406 Pretreatment Standards before discharge to the public sewers;

407
 408 (3) Require control over the quantities and rates of discharge; and/or
 409

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

412
413 **B.** If the Engineer permits the pretreatment or equalization of waste flows, the
414 design and installation of the plants and equipment shall be subject to the review and
415 approval of the Engineer and subject to the requirements of all applicable codes,
416 ordinances and laws.

417
418 **§ 110-16 Interceptors.** Grease, oil and sand interceptors shall be provided when, in
419 the opinion of the Engineer, they are necessary for the proper handling of liquid
420 wastes containing grease in excessive amounts or any flammable wastes, sand or
421 other harmful ingredients, except that such interceptors shall not be required for
422 private living quarters or dwelling units. All interceptors shall be of a type and
423 capacity approved by the Engineer and shall be located as to be readily and easily
424 accessible for cleaning and inspection.

425
426 **§ 110-17 Maintenance of pretreatment facilities.** Where preliminary treatment or
427 flow-equalizing facilities are provided for any waters or wastes, they shall be
428 maintained continuously in satisfactory and effective operation by the owner, at his
429 expense.

430
431 **§ 110-18 Effect of Federal Categorical Pretreatment Standards.** Upon the
432 promulgation of the Federal Categorical Pretreatment Standards for a particular
433 industrial subcategory, the federal standard, if more stringent than limitations
434 imposed under this Part 1 for sources in that subcategory, shall immediately
435 supersede the limitations imposed under this Part 1. The County Engineer shall
436 notify all affected users of the applicable reporting requirements under 40 CFR
437 403.12.

438
439 **§ 110-19 Modification of Federal Categorical Pretreatment Standards.** Where
440 the county's wastewater treatment system achieves consistent removal of pollutants
441 limited by Federal Pretreatment Standards- the county may apply to the approval
442 authority for modification of specific limits in the Federal Pretreatment Standards.
443 "Consistent removal" shall mean reduction in the amount of a pollutant or alteration
444 of the nature of the pollutant by the wastewater treatment system to a less toxic or
445 harmless state in the effluent which is achieved by the system 95% of the samples
446 taken when measured according to the procedures set forth in Section 403.7(c)(2) of
447 (Title 40 of the Code of Federal Regulations, Part 403), General Pretreatment

448 Regulations for Existing and New Sources of Pollution, promulgated pursuant to the
449 Act. The county may then modify pollutant discharge limits in the Federal
450 Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled
451 and prior approval from the approval authority is obtained.

452

453 **§ 110-20 State requirements.** State requirements and limitations on discharges
454 shall apply in any case where they are more stringent than federal requirements and
455 limitations or those in this Part 1.

456

457 **§ 110-21 Dilution of discharge.** No user shall ever increase the use of process water
458 or in any way attempt to dilute a discharge as a partial or complete substitute for
459 adequate treatment to achieve compliance with the limitations contained in the
460 Federal Categorical Pretreatment Standards or in any other pollutant-specific
461 limitation developed by the county or state.

462

463 **§ 110-22 Accidental discharge protection and procedures.**

464 **A.** Each user shall provide protection from accidental discharge of prohibited
465 materials or other substances regulated by this Part 1. Facilities to prevent accidental
466 discharge of prohibited materials shall be provided and maintained at the owner or
467 user's own cost and expense. Detailed plans showing facilities and operating
468 procedures to provide this protection shall be submitted by every user to the county
469 for review on or before a date to be determined by the county No user who
470 commences contribution to the POTW after the effective date of this Part 1 shall be
471 permitted to introduce pollutants into the system until accidental discharge
472 procedures have been approved by the county. Review and approval of such plans
473 and operating procedures shall not relieve the user from the responsibility to modify
474 the user's facility as necessary to meet the requirements of this Part 1.

475

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

480

481 **(1)** Written notice. Within five days following an accidental discharge, the
482 user shall submit to the County Engineer a detailed written report describing the
483 cause of the discharge and the measures to be taken by the user to prevent similar
484 future occurrences. Such notification shall not relieve the user of any expense, loss,
485 damage or other liability which may be incurred as a result of damage to the POTW

486 fishkills or any other damage to person or property; nor shall such notification relieve
487 the user of any fines, civil penalties or other liability which may be imposed by this
488 Article or other applicable law.

489
490 (2) Notice to employees. A notice shall be permanently posted on the user's
491 bulletin board or other prominent place advising employees whom to call in the event
492 of a dangerous discharge. Employers shall ensure that all employees who may cause
493 or suffer such a dangerous discharge to occur are advised of the emergency
494 notification procedure.

495
496 **Article IV: Sewer User Fees**

497
498 **§ 110-23 Purpose.** It is the purpose of this Article to provide for the recovery of
499 costs from users of the county's wastewater disposal system for the implementation
500 of the program established herein. The applicable charges or fees shall be set forth
501 in the county's schedule of charges and fees.

502
503 **§ 110-24 Authorization for fees.**

504
505 **A.** The county may adopt charges and fees which may include:

506
507 (1) Fees for reimbursement of costs of setting up and operating the county's
508 pretreatment program.

509
510 (2) Fees for monitoring, inspections and surveillance procedures.

511
512 (3) Fees for reviewing accidental discharge procedures and construction.

513
514 (4) Fees for permit applications.

515
516 (5) Fees for filing appeals.

517
518 (6) Fees for consistent removal (by the county) of pollutants otherwise subject
519 to Federal Pretreatment Standards.

520
521 (7) Other fees as the county may deem necessary to carry out the requirements
522 contained herein.

523

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

526

527 **Article V: Industrial Wastewater Discharge**

528

529 **§ 110-25 Conformance required.** It shall be unlawful to discharge without a
530 permit to any natural outlet within the county or in any area under the jurisdiction of
531 said county and/or to the POTW any wastewater except as authorized by the County
532 Engineer in accordance with the provisions of this Part 1.

533

534 **§ 110-26 Permit required.** All significant industrial users proposing to connect to
535 or to contribute to the POTW shall obtain an industrial wastewater discharge permit
536 before connecting to or contributing to the POTW.

537

538 **§ 110-27 Permit application.**

539

540 **A.** Users required to obtain an industrial user wastewater contribution permit shall
541 complete and file with the county an application in the form prescribed by the county
542 and accompanied by a fee to be determined by the County Engineer at a future date.
543 New significant industrial users shall apply at least 180 days prior to connecting to
544 or contributing to the POTW. In support of the application, the user shall submit, in
545 units and terms appropriate for evaluation, the following information:

546

547 (1) The name, address and location (if different from the address).

548

549 (2) The SIC number according to the Standard Industrial Classification
550 Manual, Bureau of the Budget, 1972, as amended.

551

552 (3) The wastewater constituents and characteristics, including but not limited
553 to those mentioned in this Part 1, as determined by a reliable analytical laboratory.
554 Sampling and analysis shall be performed in accordance with procedures established
555 by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as
556 amended.

557

558 (4) The time and duration of the contribution.

559

560 (5) The average daily and thirty-minute peak wastewater flow rates,
561 including daily, monthly and seasonal variations, if any.

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(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

600 taken by the user to return the construction to the schedule established. In no event
601 shall more than six months elapse between such progress reports to the County
602 Engineer.

603
604 (10) Each product produced by type, amount, process or processes and rate
605 of production.

606
607 (11) The type and amount of raw materials processed (average and maximum
608 per day).

609
610 (12) The number and type of employees, the hours of operation of the plant
611 and proposed or actual hours of operation of the pretreatment system.

612
613 (13) Any other information as may be deemed by the county to be necessary
614 to evaluate the permit application.

615
616 **B.** The county will evaluate the data furnished by the user and may require
617 additional information. After evaluation and acceptance of the data furnished, the
618 county may issue an industrial wastewater contribution permit subject to terms and
619 conditions provided herein.

620
621 **§ 110-28 Permit modifications.** Within nine months of the promulgation of a
622 National Categorical Pretreatment Standard, the wastewater contribution permit of
623 users subject to such standards shall be revised to require compliance with such
624 standard within the time frame prescribed by such standard. Where a user subject to
625 a National Categorical Pretreatment Standard has not previously submitted an
626 application for a wastewater contribution permit as required by § 110-27, the user
627 shall apply for a wastewater contribution permit within 180 days after the
628 promulgation of an applicable National Categorical Pretreatment Standard. In
629 addition, the user with an existing wastewater contribution permit shall submit to the
630 County Engineer within 180 days after the promulgation of an applicable Federal
631 Categorical Pretreatment Standard the information required by § 110-27A(8) and
632 (9).

633
634 **§ 110-29 Permit conditions.**
635 **A.** Industrial user wastewater discharge permits shall be expressly subject to all
636 provisions of this Part 1 and all other applicable regulations, user charges and fees
637 established by the county.

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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

676 the user's existing permit. The terms and conditions of the permit may be subject to
677 modification by the county during the term of the permit as limitations or
678 requirements as identified in Article III are modified or other just cause exists. The
679 user shall be informed of any proposed changes in his permit at least 30 days prior
680 to the effective date of the change. Any changes or new conditions in the permit shall
681 include a reasonable time schedule for compliance.

682
683 **§ 110-31 Transfer of permit.** Industrial use wastewater discharge permits are
684 issued to a specific user for a specific operation. A wastewater discharge permit shall
685 not be reassigned or transferred or sold to a new owner, new user, different premises
686 or a new or changed operation without the approval of the county. Any succeeding
687 owner or user shall also comply with the terms and conditions of the existing permit.
688

689 **§ 110-32 Reports.**

690 **A.** Compliance date report. Within 90 days following the date for final compliance
691 with applicable pretreatment standards or, in the case of a new source, following
692 commencement of the introduction of wastewater into the POTW, and industrial user
693 subject to pretreatment standards and requirements shall submit to the County
694 Engineer a report indicating the nature and concentration of all pollutants in the
695 discharge from the regulated process which are limited by pretreatment standards
696 and requirements and the average and maximum daily flow for these process units
697 in the user facility which are limited by such pretreatment standards or requirements.
698 The report shall state whether the applicable pretreatment standards or requirements
699 are being met on a consistent basis and, if not, what additional O&M and/or
700 pretreatment is necessary to bring the user into compliance with the applicable
701 pretreatment standards or requirements. This statement shall be signed by an
702 authorized representative of the industrial user and certified to by a qualified
703 professional.

704
705 **B.** Significant industrial user periodic compliance reports.

706
707 **(1)** Any industrial user subject to a pretreatment standard, after the
708 compliance date of such pretreatment standard or, in the case of a new source, after
709 commencement of the discharge into the POTW, shall submit to the County
710 Engineer during the months of June and December, unless required more frequently
711 in the pretreatment standard or by the County Engineer, a report indicating the nature
712 and concentration of pollutants in the effluent which are limited by such pretreatment
713 standards. In addition, this report shall include a record of all daily flows which,

714 during the reporting period, exceeded the average daily flow reported in § 110-29 of
715 this Article. At the discretion of the County Engineer and in consideration of such
716 factors as local high or low flow rates, holidays, budget cycles, etc., the County
717 Engineer may agree to alter the months during which the above reports are to be
718 submitted.

719 (2) The County Engineer may impose mass limitations on industrial users
720 which are using dilution to meet applicable pretreatment standards or requirements
721 or in other cases where the imposition of mass limitations is appropriate. In such
722 cases, the report required by Subsection B(1) shall indicate the mass of pollutants
723 regulated by pretreatment standards in the effluent of the user. These reports shall
724 contain the results of sampling and analysis of the discharge, including the flow and
725 the nature and concentration or production and mass, where requested by the County
726 Engineer, of pollutants contained therein which are limited by the applicable
727 pretreatment standards. The frequency of monitoring shall be prescribed in the
728 applicable pretreatment standard. All analysis shall be performed in accordance with
729 procedures established by the Administrator pursuant to Section 304(g) of the Act
730 and contained in 40 CFR 136 and amendments thereto or with any other test
731 procedures approved by the Administrator. Sampling shall be performed in
732 accordance with the techniques approved by the Administrator. Where 40 CFR 136
733 does not include a sampling or analytical technique for the pollutant in question,
734 sampling and analysis shall be performed in accordance with the procedures set forth
735 in the EPA publication, Sampling and Analysis Procedures for Screening of
736 Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or
737 with any other sampling and analytical procedures approved by the Administrator.

738

739 **§ 110-33 Monitoring facilities.**

740

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

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

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

756

757 **§ 110-34 Inspection and sampling of industrial user.** The county shall inspect the
758 facilities of any industrial user to ascertain whether the purpose of this Part 1 is being
759 met and all requirements are being complied with. Persons or occupants of premises
760 where wastewater is created or discharged shall allow the county or its representative
761 ready access at all reasonable times to all parts of the premises for the purposes of
762 inspection, sampling, records examination or in the performance of any of their
763 duties. The county, the DNREC, the approval authority and the EPA shall have the
764 right to set up on the industrial user's property such devices as are necessary to
765 conduct sampling inspection, compliance monitoring and/or metering operations.
766 Where an industrial user has security measures in force which would require proper
767 identification and clearance before entry into its premises, the user shall make
768 necessary arrangements with its security guards so that, upon presentation of suitable
769 identification, personnel from the county, the approval authority, the DNREC and
770 the EPA will be permitted to enter without delay for the purposes of performing their
771 specific responsibilities.

772

773 **§ 110-35 Pretreatment requirements.**

774 A. Industrial users shall provide necessary wastewater treatment as required to
775 comply with this Part 1 and shall achieve compliance with all Federal Categorical
776 Pretreatment Standards within the time limitations as specified by the Federal
777 Pretreatment Regulations. Any facilities required to pretreat wastewater to a level
778 acceptable to the county shall be provided, operated and maintained at the user's
779 expense. Detailed plans showing the pretreatment facilities and operating procedures
780 shall be submitted to the county for review and shall be acceptable to the county
781 before construction of the facility. The review of such plans and operating
782 procedures will in no way relieve the user from the responsibility of modifying the
783 facility as necessary to produce an effluent acceptable to the county under the
784 provisions of this Part 1. Any subsequent changes in the pretreatment facilities or
785 method of operation shall be reported to and be acceptable to the county prior to the
786 user's initiation of the changes.

787

788 B. The county shall annually publish in a general-circulation newspaper a list of
789 the users which were not in compliance with any pretreatment requirements or

790 standards at least once during the 12 previous months. The notification shall also
791 summarize any enforcement actions taken against the user(s) during the same 12
792 months.

793
794 **C.** All records relating to compliance with pretreatment standards shall be made
795 available to officials of the EPA or the approval authority upon request.

796
797 **D.** In addition to any other charge or fee set forth in this chapter, in those situations
798 where the county has contracted with a municipality or other operator of a
799 wastewater treatment facility for wastewater treatment and that municipality or other
800 operator has imposed pretreatment charges or fees and where deemed appropriate
801 and necessary by the County Engineer, the county hereby adopts the following:

802 **(1)** Fees for wastewater discharge permit applications, including the cost of
803 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 variance(s) | \$250.00 |

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

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

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

809

810 **§ 110-36 Confidential information.**

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

817
818 **B.** When requested by the person furnishing a report, the portions of a report which
819 might disclose trade secrets or secret processes shall not be made available for
820 inspection by the public but shall be made available upon written request to
821 governmental agencies for uses related to this Part 1, the National Pollutant
822 Discharge Elimination System (NPDES) permit, the State Disposal System permit
823 and/or the pretreatment programs; provided, however, that such portions of a report
824 shall be available for the use of the county, state or any state agency in judicial
825 review or enforcement proceedings involving the person furnishing the report.
826 Wastewater constituents and characteristics will not be recognized as confidential
827 information.

828
829 **C.** Information accepted by the county as confidential shall not be transmitted to
830 any governmental agency or to the general public by the county until and unless a
831 ten-day notification is given to the user.

832
833 **§ 110-37 Measurements, tests and analyses.** All measurements, tests and analyses
834 of the characteristics of waters and wastes to which reference is made in this Part 1
835 where federal, state or county regulations are silent as to methods of analysis shall
836 be determined in accordance with the latest edition of "Standard Methods for the
837 Examination of Water and Wastewater, published by the American Public Health
838 Association" and shall be determined at the control manhole provided or upon
839 suitable samples taken at said control manhole. In the event that no special manhole
840 has been required, the control manhole shall be considered to be the nearest
841 downstream manhole in the public sewer to the point at which the building sewer is
842 connected. Sampling shall be carried out by customarily accepted methods to reflect
843 the effect of constituents upon the sewage works and to determine the existence of
844 hazards to life, limb and property. (The particular analyses involved will determine
845 whether a twenty-four-hour composite of all outfalls of a premises is appropriate or
846 whether a grab sample or samples should be taken. Normally, but not always, BOD

847 and suspended solids analyses are obtained from twenty-four-hour composites of all
848 outfalls, whereas pH's are determined from periodic grab samples.)

849

850 **§ 110-38 Increased discharge restricted.** When the wastewater treatment facilities
851 have reached a point near maximum loading as determined by the Engineer,
852 increased industrial discharge, either on the basis of flow or quantity of waste
853 constituents, or both, shall be prohibited.

854

855 **§ 110-39 Suspension of wastewater treatment service.**

856 **A.** The county may suspend the wastewater treatment service and/or a wastewater
857 contribution permit when such suspension is necessary, in the opinion of the county,
858 in order to stop an actual or threatened discharge which presents or may present an
859 imminent or substantial endangerment to the health or welfare of persons or to the
860 environment, causes interference to the POTW or causes the county to violate any
861 condition of its NPDES permit.

862

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

874

875 **§ 110-40 Revocation of permit.** Any user who violates the following conditions of
876 this Part 1 or applicable state and federal regulations is subject to having his permit
877 revoked:

878

879 **A.** Failure of a user to factually report the wastewater constituents and
880 characteristics of his discharge.

881 **B.** Failure of the user to report significant changes in operations or in wastewater
882 constituents and characteristics.

883 **C.** Refusal of reasonable access to the user's premises for the purpose of inspection
884 or monitoring.

885 **D.** Violation of conditions of the permit.

886

887 **§ 110-41 Violation proceedings.**

888 **A.** See Article **IX** for penalties and legal proceedings.

889 **B.** Any person who knowingly makes any false statement, representation or
890 certification in any application, record, report, plan or other document filed or
891 required to be maintained pursuant to this Part 1 or a wastewater contribution permit
892 or who falsifies, tampers with or knowingly renders inaccurate any monitoring
893 device or method required under this Part 1 shall be subject to criminal prosecution
894 pursuant to the laws of the State of Delaware.

895

896 **Article VI: Use of Public Water Service**

897

898 **§ 110-42 Connection required.** The owners of all houses, buildings or properties
899 used for human occupancy, employment, recreation or other purposes situated in an
900 area served by a Sussex County water district and abutting on any street, alley or
901 right-of-way in which there is now located or may in the future be located a public
902 water main of Sussex County are hereby required, at their expense, to install a
903 suitable water supply system and to connect such system directly with the proper
904 public water main in accordance with the provisions of this Part 1, within 60 days
905 after the date of official notice to do so.

906

907 **§ 110-43 Permit required.** No unauthorized person shall uncover, make any
908 connections with or opening into, use, alter or disturb any public water main or
909 appurtenance thereof without first obtaining a permit from the Engineer.

910

911 **§ 110-44 Permit application.**

912 **A.** Application for a permit to install and connect a water service pipe shall be made
913 by the plumber, licensed by Sussex County, who will install or supervise the
914 installation of the water service pipe. The application will be made on forms
915 provided by the county and shall be supplemented by any plans, specifications or
916 other information considered pertinent in the judgment of the Engineer. The
917 application shall be signed by the licensed plumber and the owner of the building
918 having the water service pipe connected thereto. If approved, the application will be
919 signed by the Engineer or his authorized agent and will constitute a permit.

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

923
924 **§ 110-45 Separate water service required.** A separate and independent water
925 service and water meter shall be provided by the county for every dwelling, building
926 or property used for human occupancy, employment, recreation or other purpose. A
927 water service, water meter and water service pipe shall not service more than one:

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

931 **B.** Industrial, commercial or manufacturing establishment.

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

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

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

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

944
945 **§ 110-46 Use of water on premises.** Use of water shall be confined to the premises
946 named on the permit. No customer shall supply another with water, nor shall he use
947 it for any purpose not listed on the permit application.

948
949 **§ 110-47 Multiple water meters at one premises.** Any such dwelling, building or
950 property as classified in § 110-45 of this Article may be supplied by two or more
951 water meters, each of which, for billing by the county, shall be considered as being
952 one customer account.

953
954 **§ 110-48 Responsibility for costs of connection; indemnification of county.**

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

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

959

960 **§ 110-49 Protection from contamination.** The customers water supply system
961 shall be designed installed and maintained in a manner that will prevent the
962 contamination of the water supply. Requirements for such protection are given in
963 the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex
964 County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer
965 Districts, Article VII of this Part 1.

966
967 **§ 110-50 Materials and methods for connection.** The connection of the water
968 service pipe to the water meter and the size, alignment, materials of construction of
969 the water service pipe and the methods to be used in excavating, placing of the pipe,
970 jointing, testing and backfilling the trench shall all conform to the requirements of
971 the Interim Code for Building Sewer and Water Service Pipe Connections to Sussex
972 County Sanitary Sewer Districts and Sussex County Water and Sanitary Sewer
973 Districts, Article VII of this Part 1.

974
975 **§ 110-51 Responsibility for and control of water main connections.** The county
976 shall make all connections to the water mains and furnish, install and maintain all
977 water service lines from the water main to and including the curb cock and box,
978 which shall be placed in back of the property line, all of which shall be the property
979 of the county and under its control.

980
981 **§ 110-52 Notification of readiness for inspection and connection.** The applicant
982 for the water service pipe permit shall notify the Engineer when the water service
983 pipe is ready for inspection and connection to the public main. The connection shall
984 be made under the supervision of the Engineer or his authorized representative.

985
986 **§ 110-53 Guarding of excavations.** All excavations for water service pipe
987 installations shall be adequately guarded with barricades and barricades and lights
988 at night so as to protect the public from hazard. Streets, sidewalks, parkways and
989 other public property disturbed in the course of the work shall be restored in a
990 manner satisfactory to the county.

991
992 **§ 110-54 Water meters.**

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

997

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

1000
1001 **C.** The customer shall notify the County Engineer's office of any injury to or
1002 cessation of registration of a meter as soon as it comes to his knowledge.

1003
1004 **§ 110-55 Discontinuance of service.**

1005 **A.** Water service may be discontinued, upon notice to the owner, his authorized
1006 agent or the occupant, for any of the following causes:

1007
1008 (1) Use of water for any purpose other than that described on the permit
1009 application.

1010
1011 (2) Willful waste of water through faulty pipes, fixtures or otherwise.

1012 (3) Tampering with or damaging any service pipes, meters, seals or any other
1013 property of the county.

1014
1015 (4) Refusal of reasonable access to property for the purpose of inspections
1016 and maintenance and for failure to make provisions to afford the county access to
1017 the meter readout at least once every three months during regular county working
1018 hours.

1019
1020 (5) Making or refusing to sever any cross-connections between a pipe or
1021 fixture carrying water furnished by the county and a pipe or fixture carrying water
1022 from any other source.

1023
1024 (6) Nonpayment of water service charges and/or fines.

1025
1026 (7) Extending water pipes to other buildings without obtaining a proper
1027 permit.

1028
1029 (8) Failure to correct piping and fixtures in a water distribution system that
1030 could allow contamination of the water source.

1031
1032 (9) Violation of any regulation governing water service.

1033
1034 **B.** Water service may temporarily be shut off by the county for any of the following
1035 reasons:

- 1036
1037 (1) Making alterations, repairs or inspections of water mains or pipes.
1038
1039 (2) In case of emergency such as fire, contamination or any other reason for
1040 the general welfare.
1041
1042 (3) Removing the water meter for repair or testing.
1043

1044 C. When the county discontinues water service for any reason, it does so without
1045 liability to such owner or occupant as may own or occupy the building to which such
1046 connection is made.
1047

1048 D. No customer shall be entitled to recover for damages or to have any portion of
1049 the water charges refunded for any stoppage of water service.
1050

1051 **§ 110-56 Public fire hydrants.**

1052 A. Public fire hydrants are installed and supplied with water for the express purpose
1053 of combating fires. Fire hydrant use is restricted to Fire Departments and those
1054 authorized by the County Engineer.
1055

1056 B. It shall be unlawful for any person to:

1057
1058 (1) Take water from a public fire hydrant, except for the purpose of combating
1059 fire, except with the approval of the Engineer.
1060

1061 (2) Have in possession any key to any fire hydrant, except such key as may
1062 be furnished by the county.
1063

1064 (3) Open a fire hydrant with any device except the proper key.
1065

1066 (4) Place or allow to be placed any vehicle, object or material within 15 feet
1067 of any fire hydrant which obstructs or restricts access to said fire hydrant.
1068

1069 C. Temporary use of water may be supplied through a public fire hydrant for uses
1070 other than extinguishing fires by application for a use permit to the County Engineer
1071 and payment of charges that may be stipulated if the application is approved by the
1072 Engineer. The applicant shall be responsible for any damage occasioned by the use
1073 of the fire hydrant or other appurtenance.

1074
1075 **D.** The county does not assume any liability to parties receiving water service as an
1076 insurer of property or person, and the county does not guarantee any special service,
1077 pressure, capacity or facility other than is permitted by the ordinary and changing
1078 operating conditions of the county as the same exist from day to day. The county
1079 shall be free and exempt from any claims for injury to any persons or property by
1080 reason of fire, water and failure to supply water pressure or capacity.

1081

1082 **§ 110-57 Private fire service.**

1083 **A.** Any person desiring a private water supply from the county for the purpose of
1084 extinguishing fire or desiring to make alterations on an existing private fire service
1085 shall first make application to the County Engineer and obtain approval of the private
1086 fire service and a permit to install or alter the same.

1087 **B.** All costs pertaining to the installation of a private fire service, including but not
1088 limited to tapping the public water main and piping to the property line, shall be
1089 borne by the applicant.

1090

1091 **C.** A private service line shall be required for on-premises fire hydrants, automatic
1092 sprinklers or other fire-service devices located inside a building or buildings, and
1093 such private service line is to be used exclusively for fire service.

1094

1095 **D.** It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-service
1096 appliances installed on a premises, building or buildings for any purpose other than
1097 for the extinguishment of fires.

1098

1099 **E.** The county does not assume any liability to parties receiving water service as an
1100 insurer of property or person, and the county does not guarantee any special service,
1101 pressure, capacity or facility other than is permitted by the ordinary and changing
1102 operating conditions of the county as the same exist from day to day. The county
1103 shall be free and exempt from any claims for injury to any person or property by
1104 reason of fire, water and failure to supply water pressure or capacity.

1105

1106 **§ 110-58 Water meter testing.**

1107 **A.** The quantity of water recorded by the meter shall be conclusive on both the
1108 customer and the county except when the meter has been found to be registering
1109 inaccurately or has ceased to register. In either case, the meter shall be promptly
1110 repaired or replaced by the county, and the quantity of water consumed shall be
1111 estimated by an average of previous readings of the meter when in good working

1112 order during as many as two recorded periods of the same period in previous years
1113 but in no case less than the minimum charge.

1114

1115 **B.** In the case of a disputed account involving the accuracy of a meter, such meter
1116 shall be tested at the request of the customer in conformity with the provisions of the
1117 county water regulations. In the event that the meter so tested is found to have an
1118 error in registration in excess of 5% slow or fast, the bills shall be adjusted
1119 accordingly as provided in the aforesaid rules.

1120 **C.** When meters are removed after installation at the request of the customer for
1121 testings, the following rules shall apply: The county shall, upon a written request of
1122 a customer and, if he so desires, in his presence or that of his authorized
1123 representative, make a test of the accuracy of his meter. When a customer desires,
1124 either personally or through a representative, to witness the testing of a meter, he
1125 may require a meter to be sealed in his presence before removal, which seal shall not
1126 be broken until the test is made in his presence. If the meter so tested shall be found
1127 to be accurate within the limits herein specified, the cost for removing, testing and
1128 replacing the meter will be paid by the customer requesting such test, but if not so
1129 found, then the cost thereof shall be borne by the county.

1130 **Article VII: Interim Code for Building Sewer and Water Service Pipe**
1131 **Connections**

1132 **§ 110-59 Title.** This Article shall be known as the "Interim Code for Building Sewer
1133 and Water Service Pipe Connections to Sussex County Sanitary Sewer Districts and
1134 Sussex County Water and Sanitary Sewer Districts."

1135 **§ 110-60 Scope.** The provisions of this code shall apply to every water service pipe
1136 and building sewer installation connected to county-owned systems, including
1137 alterations, repairs and replacements.

1138 **§ 110-62 Licensing, bonding and insurance.**

1139 **A.** Before any person, firm or corporation shall engage in the business of
1140 installation, alteration or maintenance of any plumbing under the scope of this code,
1141 he shall obtain a proper license from the Sussex County Engineer's office. The
1142 license period shall be one year, beginning January 1. To obtain a license from the
1143 Engineer, the person, firm or corporation shall:

1144 (1) Show proof that he has been duly registered as a plumber by the State
1145 Board of Plumbing Examiners and that he is licensed to do business as a plumber in
1146 the State of Delaware.

1147 (2) Obtain and deposit with the Sussex County Engineer's office a bond in
1148 the amount of \$5,000, conditioned that the person, firm or corporation engaged in
1149 the plumbing business will faithfully observe all the laws and regulations pertaining
1150 to that business and that Sussex County and the local governing body shall be
1151 indemnified and saved harmless from all claims arising from accidents and damage
1152 of any character whatsoever caused by the negligence of such person, firm or
1153 corporation engaged in the plumbing business or by any other unfaithful, inadequate
1154 work done either by themselves or their agents or employees and that such person,
1155 firm or corporation will maintain in a safe condition for a period of one year all
1156 ditches and excavations which may be opened in the performance of any plumbing
1157 work and further that all dirt and other material excavated will be replaced in a good
1158 condition with similar materials.

1159 (3) Pay an annual license fee in the amount of \$50.

1160 (4) Show proof that he has bodily injury liability and property damage
1161 liability insurance to protect him from claims for damages for personal injury,
1162 including accidental death, as well as from claims for property damage which may
1163 arise from operations under the work, whether such work is done by himself or by
1164 anyone directly or indirectly employed by him. The insurance should so state that
1165 the Sussex County Engineer's office will be notified 10 days prior to the expiration
1166 of the insurance.

1167 **B.** Such insurance shall not be less than:

1168 (1) Bodily injury liability insurance in an amount not less than \$100,000 for
1169 injuries, including wrongful death, to any one person and subject to the same limit
1170 for each person in an amount not less than \$300,000 on account of one accident.

1171 (2) Property damage insurance in an amount not less than \$25,000 for damages on
1172 account of any one accident and in an amount not less than \$50,000 for damages on
1173 account of all accidents.

1174 **§ 110-63 Permit required.**

1175 **A.** Any duly licensed plumber who desires to install and connect any work covered
1176 under the scope of this code shall first make application to the Sussex County
1177 Engineer and obtain the required permit.

1178 **B.** Application for a permit shall be made by an applicant in the manner and method
1179 directed by the Sussex County Engineer. Such information as required shall be
1180 provided to complete the application.

1181 **C.** The application shall be signed by the licensed plumber and the owners of the
1182 buildings to be connected.

1183 **D.** If the Sussex County Engineer or his authorized representative is satisfied that
1184 the work described in the application and attached exhibits conforms to the
1185 requirements of this code and other pertinent laws and ordinances, he shall sign the
1186 application and in doing so grant a permit, which shall be a license to proceed with
1187 the work as detailed and specified on the application.

1188 **E.** When the application is approved and the permit granted, one set shall be
1189 returned to the applicant and be kept at the job while work is in progress, and one
1190 set shall be retained by the County Engineer as a permanent record.

1191 **§ 110-64 Permit fees.**

1192 **A.** The permit fee for each building sewer connection to the public sewer shall be
1193 \$100.

1194
1195 **B.** The permit fee for each water service pipe connection to the public main shall be
1196 \$100.

1197 **§ 110-65 Installation by homeowner.** Nothing in this code shall prevent any
1198 building owner or occupant from installing or maintaining a building sewer and/or
1199 water service pipe within his own property boundaries, provided that such building
1200 sewer and/or water service pipe installation and maintenance is done by himself and
1201 is used exclusively by him or his family and is installed and inspected in accordance
1202 with the requirements of this code, and provided also that he shall:

1203 **A.** Obtain a proper permit from the Sussex County Engineer's office.

1204 **B.** Have a plumber who is licensed by the Sussex County Engineer to install and
1205 connect building sewers and water service pipes to the facilities of Sussex County
1206 sanitary sewer districts and Sussex County water and sanitary sewer districts
1207 comment, in the appropriate space on the permit application, on the suitability of the

1208 building drain vent and make the final connection to the county water meter and/or
1209 county sewer house lateral.

1210 **§ 110-66 Violations and penalties.** Whoever willfully makes any
1211 misrepresentation in any application or makes or maintains any connection with any
1212 sewer or water main contrary to the authority granted by permits issued therefor by
1213 the Sussex County Engineer or without a permit therefor in accordance with the
1214 provisions of this code shall be fined not less than \$5 nor more than \$500.

1215 **§ 110-67 Building sewers.**

1216 **A. Material.**

1217

1218 (1) The building sewer shall be either:

1219 (a) Service-weight cast-iron soil pipe and fittings per Commercial
1220 Standard CS-188. The hub-and-spigot cast-iron soil pipe and fittings shall be joined
1221 with a one-piece elastomeric compression-type seal per ASTM C564.

1222 (b) Polyvinyl chloride sewer pipe and fittings per ASTM D-3034-74,
1223 Type PSM (SDR-35). Polyvinyl chloride sewer pipe and fittings shall be joined
1224 using the gasketed jointed system using a one-piece elastomeric ring per ASTM D-
1225 3212-73T as specified and furnished by the pipe and fitting manufacturer.

1226 (2) Only cast-iron soil pipe or polyvinyl chloride sewer pipe encased in at
1227 least four inches of concrete shall be used where the building sewer does not have at
1228 least 2 1/2 feet of cover and passes under heavily loaded areas such as driveways or
1229 under areas not blocked by fencing, trees, shrubs or other reasonably permanent
1230 obstructions that would prevent vehicular use.

1231 **B. Size.** The building sewer shall not be less than four inches nominal size and shall
1232 be installed at a uniform fall of not less than one-eighth-inch fall per foot. If one-
1233 eighth-inch fall per foot is not obtainable, the sewer size and fall shall be specified
1234 by the Engineer.

1235 **C. Cleanouts.**

1236 (1) Cleanouts shall be not more than 75 feet apart in four-inch building
1237 sewers and not more than 100 feet apart in six-inch building sewers and shall be at
1238 each change of direction greater than 45°. There shall be a cleanout at the juncture
1239 of the building sewer and street lateral consisting of a wye and a one-eighth bend
1240 piped to grade. The cleanout pipe and fittings shall not be less than four inches and

1241 shall conform to the building sewer piping requirements. The body of the cleanout
1242 ferrule shall conform in thickness to that required for pipe and fittings of the same
1243 material. The cleanout plug shall be of brass or plastic with standard tapered pipe
1244 threads and have a raised nut or recessed plug.

1245 (2) The cleanout shall be suitably protected from loading by passing through,
1246 with clearance for free movement, a casted concrete pad having minimum
1247 dimensions of 16 inches in diameter by eight inches thick. A standard approved cast-
1248 iron cleanout cover shall be casted in the concrete pad.

1249 (3) There shall be a cleanout near the juncture of the building sewer and
1250 building drain which shall be similar to the cleanout located at the property line
1251 unless a cleanout with a wye-branch inside the building is employed for this
1252 cleanout.

1253 (4) Where one building sewer connects to two or more building drains, there
1254 shall be at least a cleanout at the juncture of each building drain and building sewer
1255 and at the juncture of the building sewer and the street lateral. Additional cleanouts
1256 may be required by the Engineer if in his judgment, they are necessary.

1257 **D. Suitability of building drain vent and plumbing fixture traps.**

1258 (1) The building sewer must connect to a building drain that is properly
1259 vented, and those plumbing fixtures discharging to the building drainage system
1260 must be properly trapped. It shall be the responsibility of the licensed plumber
1261 installing the building sewer to determine if the building drain is properly vented and
1262 all plumbing fixtures are properly trapped in accordance with recognized plumbing
1263 codes, such as the Sanitary Plumbing Code for the State of Delaware and Southern
1264 Standard Plumbing Code. The building drain vent shall meet the recognized
1265 standards prior to connecting the building drain to the building sewer, or, in lieu of
1266 meeting such standards, a building trap shall be installed. If installed, the building
1267 trap shall be of building drain size and be provided with a cleanout and a relieving
1268 vent or fresh-air intake on the inlet side of the trap of at least 1/2 the diameter of the
1269 drain. The vent shall be located outside the building above the base flood elevation
1270 and terminated in a screened outlet. The plumbing fixtures connected to the building
1271 drainage system shall be trapped according to recognized standards prior to
1272 connecting the building drain to the building sewer.

1273 (2) Note that it is the intent of these requirements regarding the suitability of
1274 the building vent and plumbing fixture traps to ensure that any gases or pressure

1275 transients in the public sewer will be relieved through the building vent system and
1276 no gases will be discharged to the building through plumbing fixtures with
1277 inadequate traps. Standard plumbing codes require that every building in which
1278 plumbing is installed have at least one main vent stack which shall run undiminished
1279 in size and as directly as possible from the building drain through to the open air
1280 above the roof and in no case be less than three inches in diameter. Standard
1281 plumbing codes require that each plumbing fixture shall be trapped. It shall be the
1282 responsibility of the installer of the building sewer to determine if the building drain
1283 is vented and, if vented, based on his experience and judgment, is adequate. It shall
1284 also be the responsibility of the installer of the building sewer to determine if all
1285 plumbing fixtures discharging to the building drainage system are properly trapped.

1286 **(3)** Building drains below a building sewer which cannot be discharged to
1287 the sewer by gravity flow shall be discharged into a tightly covered and vented sump
1288 from which the liquid shall be lifted and discharged into the building's gravity-
1289 drainage system by automatic pumping equipment or by any equally efficient
1290 method approved by the Engineer.

1291 **E. Trenching, installation and backfill.**

1292 **(1)** Trenching, installation and backfill shall be excavated to the desired depth
1293 and fall. A template shall be used to detect high spots and holes and fill depressions,
1294 and it shall be thoroughly tamped. Care should be taken during the excavation to
1295 provide as narrow a trench as practical at a point level with the top of the pipe. When
1296 the width of the trench at the base exceeds seven pipe diameters, selected stone
1297 backfill shall be used to embed the pipe and fill the trench to about one foot above
1298 the pipe.

1299 **(2)** When mud or water is encountered in the trench, such as may be found by
1300 excavation below groundwater, additional precautions shall be taken appropriate to
1301 the trenching conditions encountered to ensure that the pipe is bedded true to line
1302 and grade with uniform and continuous support from a firm base. Where excessive
1303 groundwater conditions exist, the Engineer may require trench pumping, well
1304 pointing or other trench-stablizing methods.

1305 **(3)** Pipe and bed shall be laid in a selected backfill 1/4 to 1/3 of the pipe diameter.
1306 After the pipe is bedded and checked for fall, but not until inspected and approved,
1307 additional backfill shall be placed by shovel at the sides and over the top of the pipe
1308 and tamped carefully. Reasonably clean backfill shall be placed and tamped in layers

1309 not to exceed six inches to a point 12 inches above the pipe. Backfill shall be
1310 completed by any convenient means.

1311 **§ 110-68 Protection of drainage system, public sewer and treatment plant.**

1312 **A.** It shall be unlawful for any person to deposit by any means into the building
1313 drainage system or into a public sewer any ashes; cinders; unground garbage; rags;
1314 flammable, poisonous or explosive liquids; gasses; oils; grease; or any other material
1315 which, in the opinion of the Engineer, would or could obstruct, damage or overload
1316 such system or sewer.

1317 **B.** No stormwater, surface water, groundwater, cooling water or other unpolluted
1318 water shall be discharged to the building drainage system. Those drain connections
1319 not intended for but liable to permit the entrance of stormwaters, such as outside
1320 surface level showers, shall not be connected to the building drain. This does not
1321 prohibit the connection of an outside shower or other drain to the building drain,
1322 provided that the drain is enclosed, covered and raised and/or protected by curbing
1323 to prevent the entrance of stormwater.

1324 **C.** Commercial or industrial wastes detrimental to the public sewer system or
1325 detrimental to the functioning of the sewage treatment plant shall be treated and
1326 disposed of as directed by the authority having jurisdiction.

1327 **D.** Interceptors or separators.

1328 (1) Interceptors or separators shall be provided when, in the opinion of the
1329 Engineer they are necessary for the proper handling of liquid wastes containing
1330 grease, flammable wastes, sand and other ingredients harmful to the building
1331 drainage system, the public sewer or the sewage treatment plant or processes. The
1332 size, type and location of each interceptor or separator shall be approved by the
1333 Engineer, and no wastes other than those requiring treatment or separation shall be
1334 discharged into any separator.

1335 (2) Oil separators shall be required for all commercial, storage or repair
1336 garages; gasoline stations with grease racks, grease pits or wash racks; all motor
1337 vehicle laundries; and all factories which have oily and/or flammable wastes as a
1338 result of manufacturing, storage, maintenance, repair or testing operations. The
1339 facilities shall be provided with all necessary floor drains, sand interceptors, catch
1340 basins and oil interceptors.

1341 (3) Sand interceptors shall be required wherever a floor drain discharges
1342 through an oil separator and shall be located upstream of the oil separator. Sand

1343 interceptors shall be required whenever the discharge of a floor drain may contain
1344 solids that would be harmful to the drainage system, public sewer or sewage
1345 treatment plant.

1346 (4) Basket-type interceptors shall be required on commercial laundry wastes
1347 and shall be equipped with a removable and cleanable basket that will prevent
1348 passage into the drainage system of solids 1/2 inch or larger, string, rags or other
1349 materials detrimental to the public sewer or sewage treatment plant. Basket- or
1350 special-type interceptors shall be required on food-processing wastes containing or
1351 likely to contain solids or semisolids that may clog the drainage system or be
1352 otherwise detrimental to the public sewage treatment plant.

1353 **§ 110-69 Water service pipe.**

1354 **A.** Material. The water service pipe shall be either of the following:
1355

1356 (1) Ultra-high-molecular-weight polyethylene pipe per ASTM D-2239
1357 (SDR-7) meeting the requirements of Type III, Class C, Category P34, polyethylene
1358 as defined in ASTM D-1248 and rated at one hundred sixty pounds per square inch
1359 at 73.4° F. and approved by the National Sanitation Foundation for use as a carrier
1360 of potable water. The polyethylene pipe joint system shall be equal to the Ford Meter
1361 Box Company's "Pack Joint," the Hays Manufacturing Company's "Hays-Tite" or
1362 the Mueller Company's "110 Compression Connection." The connection shall be
1363 brass and assembled with a stainless-steel pipe liner as specified and furnished by
1364 the connector manufacturer.

1365 (2) Polyvinyl chloride Schedule-40 pressure pipe meeting ASTM D1785 and
1366 approved by the National Sanitation Foundation for use as a carrier of potable water.
1367 The polyvinyl chloride pipe joint system shall be with solvent-weld Schedule-40
1368 polyvinyl chloride fittings using a polyvinyl chloride solvent cement as specified by
1369 the pipe and fitting manufacturer and approved by the National Sanitation
1370 Foundation for use with potable water.

1371 (3) Type K or L copper water tube per ASTM B88-66. The copper water tube
1372 joint system shall be bronze fittings for flared copper tube per ANSI B-16.26.

1373 **B.** Size. The water service pipe shall be 3/4 inch, one inch, 1 1/2 inches or two
1374 inches as required for the service and not less than the water meter outlet connection.

1375 **C.** Disinfection of water service pipe.

1376 (1) The Engineer or his authorized representative may require that the water
1377 service piping be disinfected before it is placed in service if, in his judgment, such
1378 action is necessary.

1379 (2) One of the following disinfecting methods shall be used:

1380 (a) The water service pipe shall be filled with a solution of 50 parts per
1381 million of available chlorine and allowed to stand six hours before flushing and
1382 placing in service.

1383 (b) The water service pipe shall be filled with a solution of 100 parts
1384 per million of available chlorine and allowed to stand two hours before flushing and
1385 placing in service.

1386 **D. Trenching, installation and backfill.**

1387 (1) The water service pipe shall not be less than five feet horizontally apart
1388 from the building sewer and shall be separated by undisturbed or compacted earth
1389 unless all of the following conditions are met:

1390 (a) The bottom of the water service pipe at all points shall be at least
1391 12 inches above the top of the sewer line at its highest point.

1392 (b) The water service pipe shall be placed on a shelf excavated at one
1393 side of the common trench.

1394 (c) The number of joints in the water service pipe shall be kept to a
1395 minimum.

1396 (2) Where the water service pipe must cross the sewer line, the bottom of the
1397 water service pipe, within five feet of the point of crossing, shall be at least 12 inches
1398 above the top of the sewer line. Joints shall not be used within five, feet of the sewer
1399 line.

1400 (3) The building sewer shall be at least 10 feet removed from all wells unless
1401 such wells are permanently abandoned.

1402 (4) It shall be excavated to the desired depth and tamped to a uniform surface.
1403 When mud or water is encountered in the trench, such as may be found by excavation
1404 below groundwater, additional precautions shall be taken appropriate to the
1405 trenching conditions encountered to ensure that the pipe has a uniform and

1406 continuous support from a firm base. Where excessive groundwater conditions exist,
1407 the Engineer may require trench pumping, well pointing or other trench-stabilizing
1408 methods.

1409 (5) The pipe shall be uniformly supported throughout the trench by tamped
1410 fill. Plastic pipe shall be snaked into the trench to allow for expansion and
1411 contraction.

1412 (6) It shall be backfilled with the pipe at a temperature approximating normal
1413 operating, temperature of 40° F. to 60° F., running cool water through the pipe if
1414 necessary. It shall be backfilled with clean fill free of sharp stones, objects or heavy
1415 material.

1416 **§ 110-70 Protection of potable water supply.**

1417 A. The potable water shall be protected from contamination from any source.
1418

1419 B. There shall be no cross-connection between the potable water service pipe and
1420 distribution system and any other source of water.

1421 C. Any building supplied with water from a Sussex County water district supply
1422 shall have no other source outlet located within the building.

1423 **§ 110-71 Backflow prevention.** A backflow-prevention device shall be installed in
1424 the water service pipe to every building served by a Sussex County water district.
1425 The device shall be located immediately as the water service pipe enters the building
1426 and shall be accessible for service. As a minimum requirement, the backflow-
1427 prevention device shall consist of a manual shutoff valve followed by a spring-
1428 loaded check valve and a pressure-relief valve on the downstream side of the check
1429 valve. The pressure-relief valve drain shall be piped full size with no valve or trap
1430 to a location where emergency water spillage will create no problem.

1431 **§ 110-72 Abandoned septic tanks and cesspools.** Abandoned septic tanks and
1432 cesspools shall be made safe and harmless by removal or cleaned of sludge and filled
1433 completely with any appropriate material such as rubble, gravel or borrow.

1434 **§ 110-73 Abandoned wells.** Permanently abandoned wells shall be filled and sealed
1435 in accordance with the regulations of the State of Delaware Division of
1436 Environmental Control.

1437 **§ 110-74 Inspections and testing.**

1438 **A. Plumbing.**

1439 (1) All plumbing work installed under the scope of this code shall be
1440 inspected to ensure compliance with the code and assure that the installation is in
1441 accordance with the approved plans and permit.

1442 (2) It shall be the duty of the installing plumber to give reasonable advance
1443 notice to the County Engineer's office when plumbing work is ready for inspection
1444 and test. The plumbing shall be deemed ready for inspection and test when the pipe
1445 is laid on proper fall and bedded 1/4 to 1/3 of its diameter, with joints properly made
1446 and connected to the building.

1447 (3) Prior to inspection and test, the building sewer shall not be connected to
1448 the public sewer lateral nor shall the service water pipe be connected to the water
1449 meter house connection.

1450 (4) The equipment, material and labor necessary for the inspection and test
1451 shall be furnished by the installing plumber.

1452 (5) The plumbing shall not be covered until it has been inspected, tested and
1453 approved; it shall be uncovered upon direction.

1454 (6) Upon the satisfactory completion and final test of the plumbing, a
1455 certificate of compliance will be issued to the owner by the Engineer.

1456 **B. Building sewer test.**

1457 (1) The building sewer shall be tested by insertion of a plug or otherwise
1458 suitably blanking the point of connection with the sewer lateral. The building sewer
1459 shall be filled with water to the level of the lowest trap, and the water shall not show
1460 a level drop for a period of 15 minutes.

1461 (2) If the building sewer is approved, the final connection to the street lateral
1462 shall be made in the presence of and at the direction of the authorized county
1463 inspector, and the pipe shall be covered per § 110-67 of this code.

1464 (3) As an alternate, the building sewer can be connected to the street lateral
1465 prior to the test, provided that the connection is made only in the presence of and at
1466 the direction of the authorized county inspector.

1467 (4) The test plug will be inserted through the trap to a point near the juncture
1468 of the street lateral and building sewer, and the prescribed test will be made.

1469 C. Water service pipe.

1470 (1) The water service pipe shall be tested and proved tight under a pressure
1471 not less than the working pressure under which it is to be used. The water used for
1472 the test shall be potable water from the house service connection and shall be
1473 supplied to the water service pipe only in the presence of and at the direction of the
1474 authorized county inspector.

1475 (2) If the water service pipe is approved, the pipe shall be covered per § 100-
1476 69 of this Article.

1477 **Article VIII: Inspectors**

1478 **§ 110-75 Right of entry; inquiries into processes.**

1479 A. The Engineer and other duly authorized employees of the county bearing proper
1480 credentials and identification shall be permitted to enter all properties for the
1481 purposes of inspection, observation, measurement, sampling and testing in
1482 accordance with the provisions of this Part 1.

1483 B. The Engineer or his representatives shall have no authority to inquire into any
1484 processes, including metallurgical, chemical, oil, refining, ceramic or paper, or other
1485 industries beyond that point having a direct bearing on the kind and source of
1486 discharge to the sewers or waterways or facilities for waste treatment.

1488 **§ 110-76 Observance of safety rules by inspectors; indemnification of company.**

1489 While performing the necessary work on private properties, the Engineer or duly
1490 authorized employees of the county shall observe all safety rules applicable to the
1491 premises established by the company, and the company shall be held harmless for
1492 injury or death to the county employees, and the county shall indemnify the company
1493 against loss or damage to its property by county employees and against liability
1494 claims and demands for personal injury or property damage asserted against the
1495 company and growing out of the gauging and sampling operation, except as such
1496 may be caused by negligence or failure of the company to maintain safe conditions
1497 as required.

1498 **§ 110-77 Entry and work on easements.** The Engineer and other duly authorized
1499 employees of the county bearing proper credentials and identification shall be

1500 permitted to enter all private properties through which the county holds a duly
1501 negotiated easement for the purposes of but not limited to inspection, observation,
1502 measurement, sampling, repair and maintenance of any portion of the sewage works
1503 or waterworks lying within said easement. All entry and subsequent work, if any, on
1504 said easement shall be done in full accordance with the terms of the duly negotiated
1505 easement pertaining to the private property involved.

1506 **Article IX: Penalties**

1507 **§ 110-78 Violations and penalties.**

1508 **A.** Any person found to be violating or in violation of any provision of this Part 1,
1509 except Article III, shall be fined not less than \$50 nor more than \$500 for each
1510 violation.

1511
1512 **B.** Any person found to be violating or in violation of Article III of this Part 1 shall
1513 be served by the county with written notice stating the nature of the violation and
1514 providing a time limit, not to exceed 30 days, for the satisfactory correction thereof.
1515 The offender shall, within the period of time stated in such notice, permanently cease
1516 all violations.

1517 **C.** Any person who shall continue any violation as covered in Subsection A of this
1518 section who shall continue any violation covered in Subsection B of this section
1519 beyond the time limit provided shall be fined not less than \$50 nor more than \$500
1520 for each day in which any such violation shall continue.

1521 **§ 110-79 Liability for expenses caused by violation.** Any person violating any of
1522 the provisions of this Part 1 shall become liable to the county for any expense, loss
1523 or damage occasioned the county by reason of such violation.

1524 **§ 110-80 Civil action.** Notwithstanding § 110-78C, equitable relief may be sought
1525 by the filing of a civil action in the Court of Chancery to initiate an injunction,
1526 mandamus, abatement or any other appropriate action. The laws of the State of
1527 Delaware shall regulate civil proceedings relevant to this Part 1.

1528 **Article X: Definitions**

1529 **§ 110-81 Terms defined.**

1530 **A.** As used in this Part 1, the following terms shall have the meanings indicated:

- 1531 **AIR GAP** The unobstructed vertical distance through the free atmosphere between
1532 the lowest opening from any pipe or faucet supplying water to a tank, plumbing
1533 fixture or other device and the flood level rim of the receptacle.
- 1534 **APPROVED** Accepted or acceptable under an applicable specification cited in this
1535 code or accepted as suitable for the proposed use under procedures and powers of
1536 the Engineer.
- 1537 **BACKFLOW** The flow of water or other liquids, mixtures or substances into the
1538 distribution pipes of a potable supply of water from any source or sources.
- 1539 **BACKFLOW PREVENTER** A device or means to prevent backflow.
- 1540 **BACKSIPHONAGE** The flowing back of used, contaminated or polluted water
1541 from a plumbing fixture or vessel into a water supply pipe due to a negative pressure
1542 in such pipe.
- 1543 **BOD (denoting "biochemical oxygen demand")** The quantity of oxygen utilized
1544 in the biochemical oxidation of organic matter under standard laboratory procedure
1545 in five days at 20° C., expressed in milligrams per liter.
- 1546 **BUILDING** A structure built, erected and framed of component structural parts
1547 designed for the housing, shelter, enclosure or support of persons, animals or
1548 property of any kind.
- 1549 **BUILDING DRAIN** That part of the lowest piping of a drainage system which
1550 receives the discharge from soil, waste and other drainage pipes inside the walls of
1551 the building and conveys it to a point directly outside of the building and to the
1552 building sewer.
- 1553 **BUILDING SEWER** That part of the drainage system which extends from the end
1554 of the building drain and conveys its discharge to a public sewer, private sewer,
1555 individual sewage disposal system or other point of disposal.
- 1556 **BUILDING TRAP** A device, fitting or assembly of fittings installed in the building
1557 drain to prevent circulation of air between the drainage system of the building and
1558 the building sewer.
- 1559 **CESSPOOL** A lined and covered excavation in the ground which receives the
1560 discharge of domestic sewage or other organic wastes from a drainage system, so

1561 designed as to retain the organic matter and solids but permitting the liquids to seep
1562 through the bottom and sides.

1563 **CODE** When used alone, these regulations, subsequent amendments or any
1564 emergency rule or regulation which the Engineer may lawfully adopt.

1565 **COUNTY** Sussex County, Delaware.

1566 **CRITICAL LEVEL** The "critical level" marking on a backflow prevention device
1567 or vacuum breaker is a point established by the manufacturer which determines the
1568 minimum elevation above the flood level rim of the fixture or receptacle served at
1569 which the device may be installed. When a backflow-prevention device does not
1570 bear a "critical level" marking, the combination valve, the bottom of the vacuum
1571 breaker or the bottom of any approved device shall constitute the "critical level."

1572 **CROSS-CONNECTION** Any connection or arrangement between two otherwise
1573 separate piping systems, one of which contains potable water and the other water of
1574 unknown or questionable safety, whereby water may flow from one system to the
1575 other.

1576 **CUSTOMER** Any person, firm, corporation or organization supplied with water
1577 by a Sussex County water district.

1578 **DRAINAGE SYSTEM** Includes all the piping within public or private premises
1579 which conveys sewage or other liquid wastes to a point of disposal. It does not
1580 include the mains of a public sewer or sewage treatment plant.

1581 **ENGINEER or COUNTY ENGINEER** The Sussex County Engineer or his
1582 authorized agent or representative.

1583 **FALL** The slope of a line of pipe in reference to a horizontal plane. In drainage it
1584 is usually expressed as the "fall" in a fraction of an inch per foot length of pipe.

1585 **FLUSHOMETER** A device which discharges a predetermined quantity of water
1586 to fixtures for flushing purposes and is actuated by direct water pressure.

1587 **INTERCEPTOR** A device designed and installed so as to separate and retain
1588 deleterious, hazardous or undesirable matter from normal wastes and permit the
1589 normal waste to discharge into the drainage system by gravity.

- 1590 **INDUSTRIAL WASTES** Liquid or liquid-borne wastes resulting from the
1591 processes employed in commercial and industrial establishments.
- 1592 **MAIN VENT** The principal artery of the venting system, to which vent branches
1593 may be connected.
- 1594 **NATURAL OUTLET** Any outlet into a watercourse, pond, ditch, lake or other
1595 body of surface or ground water.
- 1596 **PERSON** Any individual, firm, company, association, society, corporation or
1597 group.
- 1598 **POTABLE WATER** Water which is satisfactory for drinking, culinary and
1599 domestic purposes and meets the requirements of the health authority having
1600 jurisdiction.
- 1601 **SANITARY SEWER** A sewer which carries sewage and to which storm- surface
1602 and ground waters are not intentionally admitted.
- 1603 **SEPARATOR** See "interceptor."
- 1604 **SEPTIC TANK** A watertight receptacle which receives the discharge of a drainage
1605 system and is designed and constructed so as to separate solids from the liquid, digest
1606 organic matter through a period of detention and allow the liquids to discharge into
1607 the soil outside of the tank through a system of open-joint or perforated piping or
1608 disposal pit.
- 1609 **SEWAGE** A combination of the water-carried wastes from residences, business
1610 buildings institutions and commercial and industrial establishments.
- 1611 **SEWER** A pipe or conduit for carrying sewage.
- 1612 **TRAP** A fitting or device so designed and constructed as to provide, when properly
1613 vented, a liquid seal which will prevent the back passage of air without materially
1614 affecting the flow of sewage or wastewater through it.
- 1615 **VACUUM BREAKER** A device which prevents backsiphonage of water by
1616 admitting atmospheric pressure through ports to the discharge side of device.
- 1617 **VENT STACK** A vertical vent pipe installed primarily for the purpose of providing
1618 circulation of air to and from any part of the drainage system.

1619 **VENT SYSTEM (VENTED)** A system of pipe or pipes installed to provide a flow
1620 of air to or from a drainage system or to provide a circulation of air within such
1621 system to protect trap seals from siphonage and back pressure.

1622 **WATER MAIN** A water supply pipe for public use.

1623 **WATER SERVICE PIPE** The pipe from the water main or other source of potable
1624 water supply to the water distribution system of the building served.

1625 **B.** "May" is a permissive word; "shall" is a mandatory term.

1626 **PART 2: EXTENSION OF PUBLIC AND/OR SEWER SYSTEMS**

1627 **Article XI Procedures**

1628 **§ 110-82 Authorization for extensions; responsibility for costs.**

1629 **A.** Upon written application, the county may permit construction of permanent
1630 water systems or sanitary sewer systems where no existing water main or sewer is
1631 available.

1632
1633 **B.** The developer of such property requesting the construction of a new water or
1634 sewer system or the extension of the existing water or sewer system shall pay all or
1635 a proportion, as determined by county policy, of the total cost of water and/or sewer
1636 facilities to be constructed. Such facilities include all wastewater collection and/or
1637 water distribution mains and, if applicable, the proportion of water and/or sewerage
1638 transmission and treatment/storage facilities required to serve the development. At
1639 the option of the county, the developer may install and dedicate the facilities to the
1640 county and pay to the county its costs or pay the county a sufficient sum to reimburse
1641 the county for the total costs of water and/or sewer facilities to be constructed and
1642 the other costs to the county. Regardless of whether the developer or the county
1643 undertakes the construction, the cost to be reimbursed to the county shall include
1644 engineering, legal fees, interest during construction, administrative costs, inspection
1645 expense and other construction-related overhead costs. Administrative costs shall
1646 include the sums expended by the county for the extension of sanitary sewer or water
1647 district boundaries, expenses incurred in reviewing plans and costs of sewer or water
1648 installations and extensions and conducting negotiations.

1649 **C.** If, at the option of the county, the developer installs the new water or sewer
1650 system or the extension of the existing water or sewer system, the construction shall
1651 be inspected for compliance with the project construction permit by the County

1652 Engineer or by a consulting engineer selected by the County Engineer, and the cost
1653 thereof shall be reimbursed to the county.

1654 **§ 110-83 Easements; size of system.**

1655 **A.** Construction or extension of water or sewer facilities shall be made pursuant to
1656 grants of easements obtained at the sole expense of the developer.

1657

1658 **B.** Size.

1659 (1) The developer shall be required to construct all facilities large enough to
1660 provide service to his development. If the county requires a developer to install a
1661 water or sewer system of a size and/or capacity larger than is required to provide
1662 water or collect waste for the area under development, with such excess capacity as
1663 determined by the county, an agreement for the reimbursement of the cost of such
1664 oversizing will be made with the owner of the area under development.

1665 (2) In order to determine the reimbursement of the cost of such oversizing,
1666 the developer shall provide an initial cost estimate at the commencement of the
1667 project and final actual costs at the completion of the project for the cost of those
1668 sewer and/or water facilities designed and sized to serve the developer's proposed
1669 development and the total costs of the sewer or water system designed and sized as
1670 required by the county. The amount eligible to be reimbursed to the developer for
1671 oversizing will be based on the total actual cost of the oversized sewer and/or water
1672 facilities less the cost of the sewer and/or water facilities sized solely to serve the
1673 new development. The total cost of the oversized sewer and/or water facilities
1674 required by the county shall be certified by the developer's engineer and shall be
1675 subject to review by the County Engineer or the consulting engineer of his selection.
1676 The amount of reimbursement which shall be made to the developer shall first be
1677 paid as credits on the amount of transmission connection charge due from the
1678 developer at the time of connection pursuant to § 110-91 of the Sussex County Code.
1679 To the extent that the amount of reimbursement exceeds the amount of the
1680 transmission connection charge, then the developer and the County Engineer shall
1681 negotiate the time and method of reimbursement to the developer. To the extent that
1682 the reimbursement is less than the amount of the transmission connection charge due
1683 from the developer, the difference shall be paid by the developer to the county in
1684 compliance with the requirements of § 110-91 of the Sussex County Code.

1685 **§ 110-84 Project construction permit.** Prior to the commencement of any
1686 construction of water or sanitary sewer facilities under this Part 2, the developer shall

1687 obtain a project construction permit from the county. Said permit shall not be issued
1688 until the following requirements have been met by the developer:

1689 **A.** Submission of plans and specifications for the proposed construction certified by
1690 a registered professional engineer, with said plans and specifications being subject
1691 to approval by the county.

1692 **B.** Submission of a letter of application and affirmation of cost for review and
1693 approval by the county.

1694 **C.** Submission of evidence that all required easements have been approved and
1695 recorded.

1696 **D.** Payment of a construction, administration and inspection fee is required. This
1697 fee shall be included in the schedule of fees adopted as part of the annual Sussex
1698 County budget.

1699 **E.** Payment of the engineering fees for engineering design review is required. This
1700 fee shall be included in the schedule of fees adopted as part of the annual Sussex
1701 County budget.

1702 **§ 110-85 Conveyance of title and interest to county.** Upon completion of
1703 construction of the water or sanitary sewer facilities and final approval of the same
1704 by the county, the applicant shall convey all of its right, title and interest in and to
1705 said water and/or sewer facilities to the county, free and clear of any and all liens,
1706 claims, charges and encumbrances attaching thereto. Said transfer of the right, title
1707 and interest in and to said water or sewer facilities shall be accomplished by such
1708 documentation as to the County Attorney shall seem necessary and appropriate.

1709 **PART 3: SEWER AND WATER ASSESSMENTS AND SERVICE**
1710 **CHARGES**

1711 **Article XII: General Provisions**

1712 **§ 110-86 Definitions and word usage.**

1713 **A.** As used in this Part 3, the following terms shall have the meanings indicated:
1714

1715 **BOD (denoting "biochemical oxygen demand")** The quantity of oxygen utilized
1716 in the biochemical oxidation of organic matter under standard laboratory procedures
1717 in five days at 20° C., expressed in milligrams per liter.

- 1718 **BUILDING** A structure having walls and a roof designed and used for the housing,
1719 shelter, enclosure or support of persons, animals or property.
- 1720 **COLLECTION** That portion of the annual assessment fee, as determined by the
1721 county, which is applicable to designing, acquiring and constructing those sanitary
1722 sewer facilities whose major use is collecting wastewater from individual units.
- 1723 **COUNTY** Sussex County, Delaware.
- 1724 **DISTRIBUTION** That portion of the annual assessment fee, as determined by the
1725 county, which is applicable to designing, acquiring and constructing those water
1726 facilities whose major use is distributing water to individual units.
- 1727 **DWELLING** A structure having walls and a roof designed and used for the
1728 housing, shelter, enclosure or support of persons, animals or property.
- 1729 **EASEMENT** A right acquired by public authority to use or control property for a
1730 designated use. An "easement" restricts but does not abridge the rights of the fee
1731 owner to the use and enjoyment of his land.
- 1732 **EQUIVALENT DWELLING UNIT (EDU)** An arbitrary term used to express the
1733 load-producing effects on the water system and/or sewerage system caused by one
1734 dwelling place.
- 1735 **FIXTURE UNIT (FU)** A quantity in terms of which the load-producing effects on
1736 the water system and/or sewerage system of sanitary fixtures are expressed on some
1737 arbitrarily chosen scale.
- 1738 **LOT** An area of land measured, surveyed and plotted and set apart for separate use
1739 and occupancy.
- 1740 **MULTIPLE LIVING UNIT** A condominium unit, townhouse unit, apartment unit,
1741 hotel or motel room, manufactured home site, campground site, travel trailer site and
1742 all other types of living units located on a single lot or parcel.
- 1743 **PARCEL** An area of land measured, surveyed and plotted and set apart, which may
1744 be a lot or may include one or more plotted lots.
- 1745 **RIGHT-OF-WAY** A legal right of passage over another person's ground acquired
1746 by public authority.

1747 **SEWERAGE SYSTEM** All facilities for collecting, pumping, treating and disposal
1748 of sewage.

1749 **STREET** A public or private thoroughfare which affords the principal means of
1750 access to abutting property having a minimum right-of-way width of 50 feet or, prior
1751 to the enactment of the Sussex County Subdivision Ordinance by the Sussex County
1752 Council on January 1, 1977, having a right-of-way width as platted of record in the
1753 office of the Recorder of Deeds in and for Sussex County.

1754 **STREET FOOTAGE** Assessable parcel or lot footage measurement as determined
1755 in this Part 3 and by the Official Sussex County Property Map.

1756 **SUSPENDED SOLIDS** Solids that float on or are suspended in water, sewage or
1757 industrial wastes and which are removable by a laboratory filtration device,
1758 expressed in milligrams per liter.

1759 **TRANSMISSION AND TREATMENT** That portion of the annual assessment fee
1760 as determined by the county which is applicable to the designing, acquiring and
1761 constructing of water facilities whose major use is transmitting water to distribution
1762 lines, storing and/or treating water and pumping; and sanitary sewer facilities whose
1763 major use is transmitting and pumping wastewater to the treatment plant and treating
1764 and discharging the wastewater.

1765 **WATER SYSTEM** All facilities for supplying, treating, storing, transmitting,
1766 distributing and measuring water.

1767 **B.** "May" is a permissive word; "shall" is a mandatory word.

1768 **Article XIII: Sewer and Water Assessments**

1769 **§ 110-87 Annual assessment roll.**

1770 **A.** The Sussex County Council each year shall, after a public hearing, establish an
1771 annual assessment roll for the sanitary sewer or water district, which shall be known
1772 as the "sanitary sewer district assessment" or "water district assessment."
1773

1774 **B.** Notice of the public hearing shall state that the assessment roll has been
1775 completed and filed and that, at the time and place fixed for the public hearing, the
1776 county government will meet and hear and consider any objections which may be
1777 made to the assessment roll. Notice of the public hearing shall be published in a
1778 newspaper published within Sussex County and having a general circulation in the

1779 county once in each of the two weeks immediately preceding the week in which the
1780 public hearing is to be held.

1781 C. After holding the public hearing, the county government may change or amend
1782 the assessment roll as it deems necessary or just and may confirm and adopt the
1783 assessment roll as originally proposed or as amended and changed.

1784 **§ 110-88 Annual assessment fees.** The annual sanitary sewer assessment fee
1785 and/or annual water assessment fee shall be established for each sanitary sewer
1786 district and/or water district. Annual assessment fees shall be based on a proportion,
1787 as determined by the county, of the total amount required each year to reimburse the
1788 county for sums to be expended for retiring bonds and/or notes which have been
1789 issued or capital expenditures for a sanitary sewer district or a water district to
1790 design, acquire and construct a respective sewerage system or a respective water
1791 system. The amount required from each district to reimburse the county shall be
1792 equally proportioned to the assessable footage in the district.

1793 **§ 110-89 (Reserved)**

1794 **§ 110-90 Plant connection charge.**

1795 A. As a reimbursement for past sums expended for retiring bonds and/or notes
1796 which have been issued for a sanitary sewer district to design, acquire and construct
1797 a respective sewerage plant which consists of a sewage treatment and disposal
1798 system or a respective water well, treatment and storage system, and as a
1799 contribution of capital toward the future expansion or replacement of water or
1800 sewage treatment and/or disposal facilities, the plant connection charge shall be
1801 applicable to the following list of structures or other establishments or facilities to
1802 which EDU's are assigned pursuant to this chapter, which will use the water or
1803 sewage treatment facilities leased or owned by the county. The plant connection
1804 charge shall apply to each dwelling(s) or building(s) located on a lot or parcel, and
1805 to each other establishment or facility to which EDU's are assigned pursuant to this
1806 chapter:

1807
1808 (1) In a new water or sanitary sewer district, where existing water or sewage
1809 treatment and/or disposal facilities are utilized.

1810 (2) In an existing water or sanitary sewer district that previously could not
1811 connect to a water or sanitary sewer main or which may have otherwise been
1812 previously exempt from payment of water or sanitary sewer assessments under
1813 **§ 110-94** of this Part 3.

1814 **(3)** In a new water or sanitary sewer district where there are no existing water
1815 or sewage treatment and/or disposal facilities utilized, and when such structure(s) is
1816 assessed more than one equivalent dwelling unit (EDU) to the extent that such
1817 assessment exceeds one EDU.

1818 **(4)** In an existing or new water or sanitary sewer district when such
1819 structure(s) is expanded or reconstructed to the extent that the revised number of
1820 EDU's exceed the EDU assignment prior to such expansion or reconstruction.

1821 **(5)** To all new connections in an existing water or sanitary sewer district.

1822 **B.** Such plant connection charge shall be based on a proportion, as determined by
1823 the county, of amounts sufficient to compensate the county for all or a proportion,
1824 as determined by the county, of the total amount required to reimburse the county
1825 for previous sums expended for retiring bonds and/or notes which were issued to
1826 plan, design, acquire and construct a sewerage or water system and/or the capital
1827 costs required to plan, design, acquire, construct or replace facilities to serve users
1828 of the water or sewage treatment and disposal system. The amount required from
1829 dwellings, structures or other establishments or facilities to which EDU's are
1830 assigned pursuant to this chapter subject to the plant connection charge to
1831 compensate the county shall be based upon the number of EDU's as determined in
1832 Article **XIV** of this Part **3** and the amount to be recovered by the charge as
1833 determined by the county. Any increase in the number of EDU's shall result in the
1834 assessment of additional plant connection charge(s).

1835 **C.** The plant connection charge provided for herein shall be in addition to all other
1836 charges and assessments made in connection with the furnishing of water or sewer
1837 service and shall be billed and payable in a manner determined by the county. The
1838 plant connection charge shall be a lien on the property and shall be collected by the
1839 county as are other county taxes. The properties against which such connection
1840 charges are levied shall be liable for the payment of the connection charges in the
1841 same manner as they are liable for other county taxes.

1842 **D.** For purpose of development and application of a plant connection charge, such
1843 fee may be combined with the transmission connection charge into an overall system
1844 connection charge.

1845 **§ 110-91 Transmission connection charge.**

1846 **A.** As a reimbursement for past sums expended for retiring bonds which have been
1847 issued for a sanitary sewer district or a water district to design, acquire and construct

1848 a respective sewage transmission system or a respective water transmission system
1849 and as a contribution of capital toward the future expansion or replacement of water
1850 or sewage transmission facilities, the transmission connection charge shall be
1851 applicable to the following list of structures or other establishments or facilities to
1852 which EDU's are assigned pursuant to this chapter, which will use the water or
1853 sewage transmission facilities leased or owned by the county. The transmission
1854 connection charge shall apply to each dwelling(s) or building(s) located on a lot or
1855 parcel, and to each other establishment or facility to which EDU's are assigned
1856 pursuant to this chapter:

1857
1858 (1) In a new water or sanitary sewer district, where existing water or sewage
1859 treatment and/or disposal facilities are utilized.

1860 (2) In an existing water or sanitary sewer district that previously could not
1861 connect to a water or sanitary sewer main or which may have otherwise been
1862 previously exempt from payment of water or sanitary sewer assessments under
1863 § 110-94 of this Part 3.

1864 (3) In a new water or sanitary sewer district where there are no existing water
1865 or sewage treatment and/or disposal facilities utilized, and when such structure(s) is
1866 assessed more than one equivalent dwelling unit (EDU) to the extent that such
1867 assessment exceeds one EDU.

1868 (4) In an existing or new water or sanitary sewer district when such a
1869 structure(s) is expanded or reconstructed to the extent that the revised number of
1870 EDU's exceed the EDU assignment prior to such expansion or reconstruction.

1871 (5) To all new connections in an existing water or sanitary sewer district.

1872 **B.** Such transmission connection charge shall be based on a proportion, as
1873 determined by the county, of amounts sufficient to compensate the county for all or
1874 a proportion, as determined by the county, of the total amount required to reimburse
1875 the county for previous sums expended for retiring bonds which were issued to plan,
1876 design, acquire and construct a sewerage or water system and/or the capital costs
1877 required to plan, design, acquire, construct and replace facilities to serve users of the
1878 water or sewage treatment and disposal system. The amount required from
1879 dwellings, structures or other establishments or facilities to which EDU's are
1880 assigned pursuant to this chapter subject to the transmission connection charge to
1881 compensate the county shall be based upon the number of EDU's as determined in
1882 Article XIV of this Part 3 and amount to be recovered by the charge as determined

1883 by the county. Any increase in the number of EDU's shall result in the assessment
1884 of additional transmission connection charge(s).

1885 **C.** The transmission connection charge provided for herein shall be in addition to
1886 all other charges and assessments made in connection with the furnishing of water
1887 or sewer service and shall be billed and payable in a manner determined by the
1888 county. The transmission connection charge shall be a lien on the property and shall
1889 be collected by the county as are other county taxes. The properties against which
1890 such connection charges are levied shall be liable for the payment of the connection
1891 charges in the same manner as they are liable for other county taxes.

1892 **D.** For the purpose of development and application of a transmission connection
1893 charge, such fee may be combined with the plant connection charge into an overall
1894 system connection charge.

1895 **§ 110-92 Street footage measurements.** Separate street footage measurements for
1896 collection/distribution and transmission and treatment purposes shall be completed
1897 for every assessable lot or parcel in each district.

1898 **A.** Street footage for collection/distribution purposes. Street footage for
1899 collection/distribution purposes for every assessable lot or parcel in each district
1900 shall be computed by the procedures enumerated:

1901 (1) Where the parcel contains two or more recorded lots, the street footage
1902 measurement for the parcel shall be the total of the street footage measurements of
1903 those lots within the parcel, except that, where two or more adjacent lots are set apart
1904 and occupied and used for the same purpose, the street footage measurement shall
1905 be determined by the total measurements of the lots set apart.

1906 (2) A lot or parcel in a street with one side only footing the street shall be
1907 assessed the total street footage.

1908 (3) A lot or parcel on two or more streets shall be assessed the total street
1909 footage of the shortest side of the lot or parcel.

1910 (4) A lot or parcel is a lot or parcel fronting two or more streets when the
1911 angle of the extended street center line is 135° or less, and it shall be assessed as a
1912 lot or parcel on two or more streets.

1913 (5) A lot or parcel abutting water shall be assessed on deed dimension or as
1914 measured on the Official Sussex County Property Map.

1915 **(6)** A lot or parcel on a cul-de-sac shall be assessed the total street footage.

1916 **(7)** Where a lot or parcel configuration contains an arc, the length of the arc
1917 shall be used as street footage measurements. When an arc forms a lot or parcel
1918 corner, the center of the measured arc shall constitute the corner.

1919 **(8)** When a lot or parcel has an easement across it by any public authority,
1920 the easement shall have no bearing on the assessment. When a lot or parcel has a
1921 right-of-way across it by any public authority, the right-of-way shall be deducted
1922 from the lot or parcel dimension.

1923 **(9)** In no case shall a lot, parcel or other individually owned property be
1924 assessed less than 40 feet.

1925 **(10)** Where a lot or parcel contains multiple living units or building(s) and/or
1926 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1927 which is served by a county sewage or water system, the lot or parcel shall be
1928 assessed on the assessable footage of streets within the lot or parcel and abutting the
1929 public street or the number of assigned equivalent dwelling units times 40,
1930 whichever is greater.

1931 **(11)** A lot or parcel shall be considered irregular in shape when the area of
1932 the lot or parcel is in proportion $1/2$ or less of the area of a rectangular- or square-
1933 shaped lot or parcel having the same actual total street footage dimension and the
1934 same maximum depth dimension as the lot or parcel being considered as irregular in
1935 shape. The maximum depth dimension shall be measured perpendicular to the actual
1936 total street footage dimension and shall not be located for any portion outside of the
1937 physical boundaries of the lot or parcel being considered as irregular in shape. An
1938 irregular-shaped lot or parcel shall be assessed a total footage assessment equal to
1939 the area of the lot or parcel divided by the maximum depth of the lot or parcel as
1940 defined herein.

1941 **(12)** Those lots or parcels designated as wetlands by state authority and
1942 requiring a proper permit prior to being improved shall not be assessed until such
1943 time as a permit is obtained.

1944 **(13)** Any lot or parcel reduced in size, by reason of acquisition by public
1945 authority, beyond that required by existing Zoning Ordinances for a structure to be
1946 built shall not be assessed.

1947 **(14)** Notwithstanding the provisions of Subsection A**(1)** through **(13)** of this
1948 section, computed street footage measurements for a lot or parcel may be adjusted
1949 as necessary to assure that each lot or parcel is assigned a reasonable assessment, in
1950 the opinion of the County Engineer, for its responsibility in water or sewer facilities
1951 available in providing service to such lot or parcel.

1952 **B.** Street footage for transmission and treatment purposes. Street footage for
1953 transmission and treatment purposes for every assessable lot or parcel in each district
1954 shall be computed by the procedures enumerated:

1955 **(1)** Where a parcel contains two or more recorded lots, the street footage
1956 measurement for the parcel shall be the total of the street footage measurements of
1957 those lots within the parcel, except that, where two or more adjacent lots are set apart
1958 and occupied and used for the same purpose, the street footage measurement shall
1959 be determined by the total measurements of the lots set apart.

1960 **(2)** A lot or parcel in a street with one side only footing the street shall be
1961 assessed the total street footage.

1962 **(3)** A lot or parcel on two or more streets shall be assessed the total street
1963 footage of the shortest side of the lot or parcel.

1964 **(4)** A lot or parcel is a lot or parcel fronting two or more streets when the
1965 angle of the extended street center line is 135° or less, and it shall be assessed as a
1966 lot or parcel on two or more streets.

1967 **(5)** A lot or parcel abutting water shall be assessed on deed dimension or as
1968 measured on the Official Sussex County Property Map.

1969 **(6)** A lot or parcel on a cul-de-sac shall be assessed the total street footage.

1970 **(7)** Where a lot or parcel configuration contains an arc, the length of the arc
1971 shall be used as street footage measurements. When an arc forms a lot or parcel
1972 corner, the center of the measured arc shall constitute the corner.

1973 **(8)** When a lot or parcel has an easement across it by any public authority,
1974 the easement shall have no bearing on the assessment. When a lot or parcel has a
1975 right-of-way across it by any public authority, the right-of-way shall be deducted
1976 from the lot or parcel dimension.

1977 **(9)** In no case shall a lot, parcel or other individually owned property be
1978 assessed less than 40 feet.

1979 **(10)** Where a lot or parcel contains multiple living units or building(s) and/or
1980 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1981 which is served by a building sewer or water service pipe, the lot or parcel shall be
1982 assessed the actual lot or parcel assessment by street footage dimensions or the
1983 number of assigned equivalent dwelling units times 40, whichever is greater.

1984 **(11)** Where a lot or parcel contains multiple living units or building(s) and/or
1985 dwelling(s) with a number of assigned equivalent dwelling units greater than one,
1986 which is served by a county sewerage system or water system, the lot or parcel shall
1987 be assessed on the assessable footage of streets within the lot or parcel and abutting
1988 the street or the number of assigned equivalent dwelling units times 40, whichever
1989 is greater.

1990 **(12)** A lot or parcel shall be considered irregular in shape when the area of
1991 the lot or parcel is in proportion 1/2 or less of the area of the rectangular- or square-
1992 shaped lot or parcel having the same actual total street footage dimension and the
1993 same maximum depth dimension as the lot or parcel being considered as irregular in
1994 shape. The maximum depth dimension shall be measured perpendicular to the actual
1995 total street footage dimension and shall not be located for any portion outside of the
1996 physical boundaries of the lot or parcel being considered as irregular in shape. An
1997 irregular-shaped lot or parcel shall be assessed a total footage assessment equal to
1998 the area of the lot or parcel divided by the maximum depth of the lot or parcel as
1999 defined herein.

2000 **(13)** Those lots or parcels designated as wetlands by state authority and
2001 requiring a proper permit prior to being improved shall not be assessed until such
2002 time as a permit is obtained.

2003 **(14)** Any lot or parcel reduced in size, by reason of acquisition by public
2004 authority, beyond that required by existing Zoning Ordinances for a structure to be
2005 built shall not be assessed.

2006 **(15)** Notwithstanding the provisions of Subsection **B(1)** through **(14)** of this
2007 section, computed street footage measurements for a lot or parcel may be adjusted
2008 as necessary to assure that each lot or parcel is assigned a reasonable assessment, in
2009 the opinion of the County Engineer, for its responsibility in water or sewer facilities
2010 available in providing service to such lot or parcel.

2011 **§ 110-93 Collection of assessment fees.**

2012 **A.** The annual sanitary sewer assessment fee or water assessment fee shall be a lien
2013 on the property and shall be collected by the county government as are other county
2014 taxes. The properties against which such assessments are levied shall be liable for
2015 the payment of the assessments in the same manner as they are liable for other county
2016 taxes.

2017
2018 **B.** A lot or parcel, whether vacant or occupied, shall become liable for a sanitary
2019 sewer assessment fee or water assessment fee when a connection from the main
2020 sewer or water main is or can be made to the lot or parcel.

2021 **C.** The annual sanitary sewer assessment fee or the annual water assessment fee
2022 shall be billed and collected on a regularly scheduled basis established by the county.

2023 **§ 110-94 Property exempt from assessment.**

2024 **A.** No assessment shall be made against any property during the period in which it
2025 is not subject to taxation and assessment for county and municipal purposes. Should
2026 the property become subject to taxation and assessment for county and municipal
2027 purposes, then the connection charges more fully defined in §§ **110-90** and **110-91**
2028 of this Part **3** shall be levied as a result of and for the period of the exemption.

2029
2030 **B.** No assessment shall be made against that portion of a parcel during the period
2031 in which the portion qualifies for agricultural, horticultural or forest uses as more
2032 fully defined by 9 Del. C. §§ 8330 through 8337, inclusive. Should that portion of a
2033 parcel no longer qualify for such agricultural, horticultural or forest uses, then the
2034 connection charges more fully defined in §§ **110-90** and **110-91** of this Part **3** shall
2035 be levied as a result of and for the period of the exemption.

2036 **§ 110-95 Adjustment of assessment.**

2037 **A.** In the case where a sanitary sewer or water district shall include areas wherein
2038 sanitary sewer or water systems have been constructed under the authority of the
2039 county government or by municipalities, corporations or individuals, the necessary
2040 adjustments shall be made with each property owner for those costs already incurred
2041 by the property owner when those sewers and water systems were constructed. Such
2042 excess costs shall be credited to assessments levied by the county.

2043
2044 **B.** Where a condition on which an original assessment was based changes, such as
2045 lot or parcel division, street construction or construction of multiple-dwelling

2046 buildings, then that lot or parcel will be reassessed and liable for the revised
2047 assessment.

2048 **Article XIV: Service Charges**

2049 **§ 110-96 Establishment of annual service charges; determination of amount of**
2050 **charge.**

2051 **A.** A sanitary sewer service charge or a water service charge shall be established
2052 each year for each sanitary sewer district or water district.

2053

2054 **B.** Sufficiency of charges.

2055 (1) The sanitary sewer service charge shall be sufficient to reimburse the
2056 county for sums to be expended for operating, maintaining and improving the
2057 sewerage system and for a proportion, as determined by the county, of sums to be
2058 expended for retiring bonds which have been issued for planning, designing,
2059 acquiring and constructing the sewerage system.

2060 (2) The water service charge shall be sufficient to reimburse the county for
2061 sums to be expended for operating, maintaining and improving the water system and
2062 for a proportion, as determined by the county, of sums to be expended for retiring
2063 bonds which have been issued for planning, designing, acquiring and constructing
2064 the water system.

2065 **C.** The amount required each year for sewer or water service charges shall be based
2066 upon the equivalent dwelling units defined herein and upon the provisions of §§ **110-**
2067 **97 and 110-98** of this Part 3.

2068 **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 | 1.0 |

| Type of Establishment | Number of EDU's |
|--|--------------------------|
| and bedroom(s) separate from kitchen | |
| 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 |
| 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 |

2069 **E.** Establishments listed below in Subsection **E(3)** shall be assigned equivalent
2070 dwelling units (EDU's) as multiples of a basic dwelling house having an
2071 assignment of one equivalent dwelling unit (EDU).

- 2072
- 2073 **(1)** A basic dwelling house shall be considered as:
- 2074 **(a)** One sink: two fixture units.
- 2075 **(b)** One toilet: two fixture units.
- 2076 **(c)** One lavatory: one fixture unit.
- 2077 **(d)** One bath or shower: one fixture unit.

2078

2079 (2) One equivalent dwelling unit shall be equal to six fixture units. For
 2080 assessment purposes, fixture units shall be assigned as follows. A minimum of one
 2081 equivalent dwelling unit will be assigned.

- 2082 (a) Sink: two fixture units.
- 2083 (b) Washstand or lavatory: one fixture unit.
- 2084 (c) Toilet: two fixture units.
- 2085 (d) Bath and shower: one fixture unit.
- 2086 (e) Mop sink or service sink: one fixture unit.
- 2087 (f) Flush urinal: one fixture unit.
- 2088 (g) Continuous flush urinal: three fixture units.
- 2089 (h) Convenience outlet: one fixture unit.
- 2090 (i) Domestic dishwasher: one fixture unit.
- 2091 (j) Commercial dishwasher: three fixture units.
- 2092 (k) Drinking fountain: one fixture unit.
- 2093 (l) Garbage disposal: one fixture unit.
- 2094 (m) Washing machine: one fixture unit.
- 2095 (n) Faucet: one fixture unit.
- 2096 (o) Floor drain: one fixture unit.

- 2097
- 2098 (3) Enumeration of establishments.
- 2099 (a) Churches and attached facilities and buildings.
 - 2100 (b) Fire stations.
 - 2101 (c) Convention halls and public gathering places.
 - 2102 (d) Municipal buildings.
 - 2103 (e) Bus stations and other public depots.
 - 2104 (f) Marinas with sanitary facilities for employees only.

2105 **F.** Establishments listed below shall be assigned equivalent dwelling units
 2106 (EDU's) as a fixed number of equivalent dwelling units plus a number of
 2107 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) |

| Type of Establishment | Number of EDU's |
|--|------------------------------------|
| 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 |

2108 **G.** Equivalent dwelling units shall be assigned to establishments not covered in
2109 Subsections **D, E(3)** and **F** above to assure that each establishment, in the opinion of
2110 the County Engineer, is given a reasonable assignment compatible with its
2111 responsibility in water or sewer facilities providing service to each establishment.

2112
2113 **H.** If an establishment does not have any physical facilities which have a load-
2114 producing effect on the water system or the sewerage system, then its number of
2115 equivalent dwelling units assigned shall be zero.

2116
2117 **I.** The number of EDU's assigned an establishment may be changed if there is a
2118 change in any of the considerations, such as size or use of facilities, used in assigning
2119 the EDU's originally.

2120
2121 **J.** Notwithstanding anything contained in this section to the contrary, utilizing
2122 equipment manufacturer's specifications, the County Engineer may adjust the EDU
2123 assessment for commercial laundromats or commercial car washes assigned in
2124 § 110-96D.

2125
2126 **§ 110-97 Basis for water service charge.**

2127 A. In the form and content determined to be appropriate by the county, the water
2128 service charge shall be developed based upon consideration of such factors as
2129 volume, capacity or peak rates of water use and the number of equivalent dwelling
2130 units assigned to the users of the water system.

2131
2132 B. Where a property subject to a water service charge is equipped with a water
2133 meter, the portion of the service charge related to water consumption may be based
2134 on or computed on the consumption of water as indicated by the water meter. For
2135 properties not served by a water meter or where metered water consumption is not
2136 known, an estimated quantity of water use associated with the number of equivalent
2137 dwelling units assigned to the property shall be used in lieu of metered water
2138 consumption.

2139
2140 **§ 110-98 Basis for sewer service charge.**

2141 A. In the form and content determined to be appropriate by the county, the sewer
2142 service charge shall be developed based upon consideration of such factors as
2143 volume, capacity or peak rates of flow, sewage strength and the number of equivalent
2144 dwelling units assigned to the users of the sanitary sewer district. In the development
2145 of the sewer service charge, consideration shall also be given to complying with
2146 regulations of the United States Environmental Protection Agency pursuant to Public
2147 Law 92-500, as amended.

2148
2149 B. Where a property subject to a sewer service charge is equipped with a water
2150 meter, the portion of the sewer charge related to water consumption may be based
2151 on or computed on the consumption of water as indicated by the water meter. The
2152 quantity of water consumed shall be presumed to be the same as the volume of
2153 wastewater discharged to the sanitary sewer system. For properties not served by a
2154 water meter or where metered water consumption is not known, an estimated
2155 quantity of water use associated with the number of equivalent dwelling units
2156 assigned to the property shall be used in lieu of metered water consumption.

2157
2158 C. The sewer service charge shall also include a surcharge for discharging any
2159 wastes into the sanitary sewer system which exceed the maximum values of
2160 polluting materials established by a surcharge formula. Surcharges shall be based
2161 upon the volume and concentration of flow discharged to the sanitary sewer
2162 multiplied by factors expressing the costs of treating the constituents covered by the
2163 formula.

2164 (1) The amount of surcharge will be determined from the following
2165 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.

2166 (2) The volume of sewage and the BOD and suspended solids
2167 concentrations of the sewage contributed by a user of the system shall be
2168 determined in a manner considered to be appropriate by the County
2169 Engineer.

2170 (3) Notwithstanding the formula stated in Paragraphs (1) and (2) herein,
2171 where deemed appropriate and necessary by the County Engineer, the amount
2172 of the surcharge may be determined by a formula to be set by contract between
2173 the county and any municipality or other operator of a wastewater treatment
2174 facility.

2175
2176 **§ 110-99 Adjustment of sewer service charge for water not reaching sewer.**

2177 Where the service charge is based on metered water consumption, an exemption may
2178 be made for that portion of water consumed on a property that does not reach the
2179 sewerage system. An exemption shall be granted, provided that the owner of the
2180 property subject to the sewer service charge:

2181
2182 **A.** Makes written application to the county requesting an exemption of that
2183 portion of water consumed not reaching the sewerage system.

2184
2185 **B.** Pays the necessary cost to have one or more additional separate water meters
2186 installed so that one or more water meters will measure only the water consumed on
2187 the property and subject to the service charge.

2188
2189 C. Rearranges the water piping, if necessary. on the property, so that it is not
2190 possible to interconnect the water piping for the water to be exempt from the sewer
2191 service charge with the water piping carrying water which would reach the sewer.

2192
2193 **§ 110-100 Collection of service charges.**
2194 A. The sanitary sewer service charge or the water service charge shall be billed
2195 and collected on a regularly scheduled basis established by the county.

2196
2197 B. A sanitary sewer service charge or a water service charge shall be charged to
2198 any person contracting for direct or indirect connection with or the use or services
2199 of the respective sewerage system or the respective water system. Such sanitary
2200 sewer service charges or water service charges shall be charged to and collected from
2201 any person contracting for such connection or use or service or from the owner or
2202 occupant, or both of them, of any real property which directly or indirectly is or has
2203 been connected with the respective sewerage system or the respective water system.
2204 and the owner or occupant, or both of them, of any such real property shall be liable
2205 for and shall pay such respective sanitary sewer service charges or water service
2206 charges to the county.

2207
2208 C. Property shall be subject to a sanitary sewer service charge or a water service
2209 charge when the property is connected to the county's sewerage system or water
2210 system or 60 days following the date of official notice from the county to connect to
2211 the sewerage or water system, and such service charge shall be prorated for that
2212 regularly scheduled period in which the service charge is commenced.

2213
2214 **§ 110-101 Failure to pay charges when due.**
2215 A. In the event that a service charge with regard to any parcel of real property is
2216 not paid as and when due, interest shall accrue and be due to the county on the unpaid
2217 balance at the rate of 1% simple interest per month or any fraction thereof until the
2218 service charge and interest thereon shall be fully paid to the county.

2219
2220 B. In the event that any service charge with respect to any parcel of real property
2221 is not paid as and when due, the county government may, in its discretion, enter upon
2222 such parcel and cause the connection thereof leading directly or indirectly to the
2223 sewerage or water system to be cut and shut off until the service charge and any
2224 subsequent service charges with regard to such lot or parcel and all interest accrued
2225 thereon are fully paid.

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2263

§ 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 sewage 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.

2264 **B.** Following the hearing of any property owner and, in the light of the facts
2265 produced at such hearing, the Board shall determine whether the street footage
2266 measurement or the equivalent dwelling unit assignment is correct. Should the Board
2267 find that the street footage measurement or equivalent dwelling unit assignment is
2268 incorrect, the Board shall order the County Engineer to and the County Engineer
2269 shall correct the street footage measurement or equivalent dwelling unit assignment.

2270
2271 **§ 110-104 Judicial review.** Nothing herein shall be construed as limiting the
2272 right of a property owner to appeal to the courts in connection with the street footage
2273 measurement or equivalent dwelling unit measurement as provided by law.

2274
2275 **PART 4: SEWER CONNECTIONS IN NORTH BETHANY BEACH**
2276 **COASTAL AREA**

2277 **Article XVI General Provisions**

2278
2279 **§ 110-105 Equivalent dwelling unit limitation.** On all undeveloped lands within
2280 the North Bethany Beach Coastal Area, the County Engineer shall provide the
2281 necessary sewer connection permits only after a determination that the application
2282 for sewer connection does not exceed four equivalent dwelling units per gross acre.
2283 Permit applications which exceed four EDU's per gross acre shall be denied, and
2284 sewer connection shall be unlawful without said permit.

2285
2286 **§ 110-106 Wetlands.** Wetlands, as identified by the Delaware Department of
2287 Natural Resources and Environmental Control, shall not be considered as acreage in
2288 the computation of gross acreage for EDU calculations.

2289
2290 **§ 110-107 Undeveloped lands.** The term "undeveloped lands" includes land
2291 currently occupied as a nonconforming use; however, nothing herein shall impair
2292 the legality of the existing and continuing nonconforming use nor its ability to
2293 lawfully enlarge said use. Residential properties for which conditional use permits
2294 have been issued as of the date of the enactment of this Part 4 shall be considered as
2295 developed property.

2296
2297 **§ 110-108 Legislative intent construal of provisions.** This Part 4 is enacted for
2298 the purpose of permitting an equitable allocation of sewage capacity and to avoid
2299 imposing upon the public the cost of additional sewer expansion and the physical
2300 disruption necessitated by additional sewer construction. This section shall not be

2301 construed to prevent expansion of the sewer system when deemed appropriate by the
2302 County Council of Sussex.

2303
2304 **§ 110-109 Scope.** The provisions of this Part 4 shall be applied uniformly
2305 throughout the North Bethany Beach Coastal Area, and this Part 4 shall not be used
2306 as a rationale for rezoning.

2307
2308 **Article XVII: Connection of Scattered Parcels**

2309
2310 **§ 110-110 Definitions.** As used in this Article, the following terms shall have the
2311 meanings indicated:

2312
2313 **SCATTERED PARCEL** Any single parcel of land consisting of less than 1
2314 1/2 acres at the time of the enactment of Part 4 and abutted at that time on at least
2315 two sides by developed property.

2316
2317 **§ 110-111 Authority of County Engineer.** The County Engineer may grant
2318 connections to scattered parcels at the equivalent dwelling unit (EDU) density of the
2319 abutting property, but in no instance at an EDU density exceeding 18 EDU's per
2320 acre.

2321
2322 **§ 110-112 Conditions for grant of connections.** The connection for scattered
2323 parcels may be granted by the County Engineer only upon a study and a written
2324 determination by him that the proposed connection will not overload the capacity of
2325 existing sewer facilities, taking into account the full development capacity of the
2326 other parcels within the area encompassed by this Part 4.

2327
2328 **PART 5: TRANSFER, EXCHANGE OR CONVEYANCE OF**
2329 **EQUIVALENT DWELLING UNITS**

2330
2331 **Article XVIII Restrictions**

2332
2333 **§ 110-113 Prohibition.** The transfer, exchange or conveyance of equivalent
2334 dwelling units (EDU's) as designated and allocated by the County Engineer and the
2335 County Engineer's sewer facilities study (formally entitled "Preliminary Report,
2336 Treatment Plant Expansion No. 1, South Coastal Regional Wastewater Facility,
2337 Sussex County, Delaware," second revision, published March 21, 1986) shall be
2338 prohibited.

2339
2340 **§ 110-114 Exceeding designated maximum number of EDU's.** The County
2341 Engineer's sewer facilities study, March 8, 1986, (formally entitled "Preliminary
2342 Report, Treatment Plant Expansion No. 1, South Coastal Regional Wastewater
2343 Facility, Sussex County, Delaware," second revision, published March 21, 1986) or
2344 a subsequent study of the County Engineer's office authorized by the County Council
2345 which allocates and designates the maximum number of EDU's per acre of
2346 developed and undeveloped land within the sewer districts of Sussex County shall
2347 hereafter the date of the adoption of this Part 5 not be exceeded by landowners,
2348 unless the landowner provides the sewer infrastructure as further provided in Part 2
2349 of this chapter. The governmental bodies of Sussex County which deal with land use
2350 applications shall hereafter make reference to and shall abide by the allocations and
2351 designations of EDU's set forth therein, unless the landowner provides the sewer
2352 infrastructure as further provided in Part 2 of this chapter.

2353
2354 **§ 110-115 Legislative intent construal of provisions.** This Part 5 is enacted for
2355 the purpose of permitting an equitable allocation of sewage capacity and to avoid
2356 imposing upon the public the cost of additional sewer expansion and the physical
2357 disruption necessitated by additional sewer construction. This section shall not be
2358 construed to prevent expansion of the sewer system when deemed appropriate by the
2359 County Council of Sussex.

2360
2361 **§ 110-116 Scope.** The provisions of this Part 5 shall be applied uniformly
2362 throughout all sewer districts in Sussex County.

2363
2364 **§ 110-117 Exemption.** Any land which is the subject of a validly approved
2365 Zoning Ordinance or recorded subdivision plat or approved site plan located within
2366 the boundaries of a current Sussex County sanitary sewer district shall be exempt
2367 from the provisions of this Part 5 as of the date of the adoption of this Part 5. Land
2368 within the boundaries of incorporated municipalities which are located within the
2369 boundaries of the county sewer districts shall be granted and allocated EDU's
2370 pursuant to the zoning density scheme existing at the date of the adoption of this Part
2371 5.

2372
2373 **§ 110-118 Applicability of other legislation.** This Part 5 is intended to be
2374 interpreted and utilized in conjunction with the language of Part 2 of this chapter.
2375 The area encompassed in the North Bethany extension of the Bethany Beach
2376 Sanitary Sewer District, which is the subject of Part 4 of this chapter, shall be

2377 governed by Part 4 of this chapter and shall not be subject to the conditions or
2378 requirements of § 110-114 or 110-117 of this Part 5.

2379

2380

PART 6: SEWER AND WATER DISTRICTS

2381

Article XIX Absentee Voting

2382

2383
2384 **§ 110-119 Purpose.** This Article shall provide that those qualified voters of a
2385 proposed sanitary sewer and/or water district established, or being established,
2386 pursuant to Chapter 65, Title 9, of the Delaware Code, who shall be unable to appear
2387 to cast their ballots at the polling place at any such election may be able to cast such
2388 a ballot to be counted in the district, if such a privilege has been granted to them
2389 herein.

2390

2391 **§ 110-120 Eligibility for voting by absentee ballot.** Any qualified voter of the
2392 sanitary sewer and/or water district may cast his vote by absentee ballot if he is
2393 unable to appear at the designated polling place or places due to the following
2394 reasons:

2395

2396 **A.** Because such person is in the public service of the United States, or is a citizen
2397 of the United States temporarily residing outside the territorial limits of the United
2398 States and the District of Columbia, or his spouse or dependents when residing with
2399 or accompanying him, or is absent from the state because of illness or injury received
2400 while serving in the Armed Forces of the United States;

2401

2402 **B.** Because such person is unavoidably absent from the county because of the
2403 nature of his or her business or occupation;

2404

2405 **C.** Because such person is sick or physically disabled;

2406

2407 **D.** Because such person is absent from the district while on vacation;

2408

2409 **E.** Because such person is unable to vote at a certain time or on a certain day due
2410 to the tenets or teachings of his religion; or

2411

2412 **F.** Because such person resides outside Sussex County and is unavoidably absent
2413 on the day of election.

2414

2415 **§ 110-121 Affidavit required.**

2416 **A.** Any voter desiring to receive an absentee ballot because he qualifies under
2417 any of the reasons set forth in § **110-1** 20B, C, D, E or F shall file an affidavit with
2418 the Sussex County Engineering Department, subscribed and sworn to by him before
2419 an officer authorized by law to administer oaths. The affidavit shall be dated not
2420 more than 90 days prior to the day of the election. It shall state the reason why he
2421 cannot appear at the designated polling place on the day of the election, his birthdate,
2422 his social security number, his expected location, including his address and
2423 telephone number (if available) to be used for the purpose of challenge on election
2424 day and, if sick or disabled, the name and address of a physician or a Christian
2425 Science practitioner who can attest to the voter's inability to go to his polling place
2426 on the day of the election. The Engineering Department shall mail or deliver the
2427 official ballot, envelope and instructions to the voter as soon as possible after
2428 receiving the affidavit.

2429
2430 **B.** Any voter desiring to receive an absentee ballot because he qualifies under
2431 any of the reasons set forth in § **110-120A** may execute an affidavit sworn to by the
2432 voter, under penalty of perjury, to be filed with the Sussex County Engineering
2433 Department. The affidavit shall be dated during the calendar year in which the
2434 election is to be held. It shall state the reason why he cannot appear at the designated
2435 polling place for the election on the day of the election, his birthdate, his social
2436 security number and his expected location, including his address and a telephone
2437 number (if available) to be used for the purpose of challenge on election day. The
2438 Sussex County Engineering Department may hold an affidavit dated more than 90
2439 days prior to an election, until 90 days prior to the election, and shall mail the official
2440 ballot, envelopes and instructions to the voter as soon as possible thereafter.

2441
2442 **§ 110-122 Distribution of ballots.** Upon receipt of a request from a voter,
2443 together with an affidavit, if required by § **110-121** of this Article, the Sussex County
2444 Engineering Department, not more than 60 days nor less than 14 days prior to a
2445 sanitary sewer and/or water district election and within three days after the ballots,
2446 envelopes and instructions for absentee voters become available, shall mail to the
2447 voter, postage prepaid, or deliver personally to the voter an official ballot enclosed
2448 in an official envelope and a copy of the instructions for absentee voters. Nothing
2449 contained in this section shall prevent the issuance of an absentee ballot to those
2450 lawfully entitled thereto prior to 12:00 noon of the day prior to any election, when
2451 the request is made less than 14 days prior to the election.

2452
2453 **§ 110-123 Form of affidavit.**

2454 A. Each affidavit submitted pursuant to § 110-121 above shall be in substantially
2455 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

2456 **B.** Any voter who receives an absentee ballot because he qualifies under § 110-
2457 **120A** may subscribe to and swear a self-administered oath, under penalty of
2458 perjury, affirming that he was not solicited or advised to vote for or against the
2459 question presented.

2460

2461 **§ 110-124 Form of absentee ballot.** Each absentee ballot shall be in substantially
2462 the following form:

For sanitary sewer/water district

Against sanitary sewer/water district

2463 **§ 110-125 Time limit for return.** The absentee voter shall return his marked
2464 ballot to the Sussex County Engineer, or his designee, before 12:00 noon of the day
2465 before the election, and any absentee ballot received by the Sussex County Engineer,
2466 or his designee, after 12:00 noon of the day before the election shall not be counted,
2467 but the Sussex County Engineer, or his designee, shall endorse on the ballot the time
2468 such was received and shall retain all such ballots for one year following the date of
2469 the election, and longer if directed to do so by proper authority.

2470 **§ 110-126 Procedure by officials.** Upon receipt of the official envelope from the
2471 absentee voter, the Sussex County Engineer, or his designee, shall forthwith enclose
2472 the sealed ballot as received and unopened in a secure location and shall place his or
2473 her written signature on the official envelope, together with the date and time of
2474 receipt. The Sussex County Engineer, or his designee, on the day of the election, but
2475 after closing of the polls, shall open the sealed ballots and shall record the vote of
2476 the absentee voter.

2477 **§ 110-127 Register of absentee voters.** The Sussex County Engineer, or his
2478 designee, shall cause to be provided a register of absentee voters. From the register
2479 a list of names and addresses of all applicants for absentee ballots shall be compiled
2480 and shall be made available.

2481 **§ 110-128 Violations and penalties.** Whoever willfully files a false affidavit under
2482 the provisions of this Article shall be deemed guilty of a misdemeanor and, upon
2483 conviction thereof, shall be fined not less than \$50 nor more than \$200 or imprisoned
2484 for a period of not more than 30 days, or both, and shall pay the costs of prosecution.

2485 **Article XX Septage Discharge**

2486 **§ 110-129 Purpose.** Septage removed from any property located in Sussex
2487 County, Delaware, may be discharged at the facilities referred to as "South Coastal
2488 Regional Wastewater Facilities" and "Inland Bays Regional Wastewater Facilities"
2489 upon the terms and conditions set forth herein.

2490 **§ 110-130 Definitions.** As used in this Article, the following terms shall have the
2491 meanings indicated:

2492 **DISCHARGE** When used as a noun, "discharge" means a unit of septage as
2493 established by rules promulgated by the Sussex County Engineering Department.

2494 **DISCHARGE FEE** A fee assessed to a user for each discharge that he makes
2495 at a facility.

2496 **FACILITY** For purposes of this Article, the term "facility" means the South Coastal
2497 Regional Wastewater Facilities and the Inland Bays Regional Wastewater Facilities.

2498 **INDUSTRIAL WASTE** Waste that originates from a business or industry
2499 having a Standard Industrial Classification (SIC) code or an expected classification,
2500 or having a reasonable potential, in the opinion of facility management, to adversely
2501 affect the treatment plant (inhibition, pass-through of pollutants, sludge
2502 contamination or endangerment of treatment plant workers).

2503 **SEPTAGE** Liquid and solid materials pumped from a septic tank, cesspool or
2504 holding tank but not including industrial waste.

2505 **USER** Any person, partnership, corporation or an employee thereof that
2506 utilizes a facility for discharge of septage; provided, however, that the term "user"
2507 does not mean a county-owned entity or a county employee acting in his capacity as
2508 such.

2509 **§ 110-131 Licensing requirements.** No user may discharge septage at a facility
2510 until he has obtained a license from the Sussex County Engineering Department.
2511 The annual county licensing period is from July 1 through June 30. In order to obtain
2512 a license from the Sussex County Engineering Department, a person must provide
2513 the Engineering Department with the following:

2514 A. A State of Delaware Department of Natural Resources and Environmental
2515 Control (DNREC) permit issued to the user or a letter from DNREC which states
2516 that it will permit the user to haul septage for discharge at facility.

2517 B. A certificate of insurance verifying that user holds commercial general
2518 liability insurance in the minimum amount of \$500,000 combined single limit per
2519 occurrence.

2520 C. A certificate of insurance verifying that the user holds business auto liability
2521 insurance in the minimum amount of \$1,000,000 combined single limit per accident.

2522 D. A certificate of insurance verifying that the user holds worker's compensation
2523 and employer's liability insurance (if applicable) in the minimum amounts as
2524 follows: \$100,000 for each accident, \$100,000 for each employee for disease and a
2525 policy limit of \$500,000 for disease.

2526 E. A certificate of insurance verifying that the user holds such other insurance
2527 that may be required by state law, rule or regulation.

2528 F. A waste hauler's State of Delaware business license.

2529 **§ 110-132 Fees.** The county may assess each user an annual license fee and a
2530 discharge fee at the rates established by the County Engineering Department and
2531 posted at the facility.

2532 **§ 110-133 Discharge limitations.** The county may, by rules promulgated by the
2533 County Engineering Department and posted at a facility, regulate the following in
2534 connection with the discharge at a facility:

2535 A. The amount of septage a user may discharge per discharge and per season.

2536 B. The hours during which a facility will accept discharge from a user.

2537 C. The strength and toxicity of septage discharged by a user.

2538 **§ 110-134 Holding tank permit.** No septage obtained from a holding tank may
2539 be discharged at a facility unless a holding tank permit has been issued by the Sussex
2540 County Engineering Department for the holding tank that is the source of the septage

2541 to be discharged at the facility. A fee will be assessed for the issuance of a holding
2542 tank permit in an amount to be determined by the County Engineering Department.

2543 **§ 110-135 Proof of source.** No user may discharge septage at a facility unless,
2544 upon the request of facility management, he can produce documentation of the
2545 source of the septage to be discharged, such as:

2546 **A.** The source's holding tank permit number;

2547 **B.** The source's hookup permit number; and

2548 **C.** The name and address or tax map and parcel number of the property on which
2549 the source is located.

2550 **Article XXI Revision of District Boundaries**

2551 **§ 110-136 Application; fee.** Any person, firm or corporation applying to the
2552 County Engineer for the revision of a sanitary or water district boundary without
2553 election pursuant to 9 Del. C. § 6502 shall be required to pay such amount as may
2554 be required by the Sussex County Council to defray the administrative cost of the
2555 process of that request. This fee shall be included in the schedule of fees adopted as
2556 part of the annual Sussex County budget.

2557 **§ 110-137 Payment of fee; refund.** Such fee as shall be required by the County
2558 Council as set forth in § 110-136 above shall be paid in advance by the person, firm
2559 or corporation requesting the revision to the sanitary or water district without
2560 election. Such fee may be refunded on request, if the application is withdrawn on or
2561 before preparation of notices and advertising required by 9 Del. C. § 6502.

2562 **Article XXII Sewer Capitalization Fee**

2563 **§ 110-138 Definitions.** For the purpose of this article, the following definitions
2564 shall apply:

2565 **CONDOMINIUM UNIT** A unit as defined by the Delaware Unit Property
2566 Act, 25 Del. C. Chapter 22.

2567 **EQUIVALENT DWELLING UNIT (EDU)** Has the same meaning as that
2568 term is defined in § **110-96** and amendments thereto.

2569 **NONROAD ACCESSIBLE PARCELS** Those parcels of real property that do
2570 not fall within the definition of "road accessible parcels."

2571 **PHASE III OF THE WEST REHOBOTH EXPANSION OF THE DEWEY**
2572 **BEACH SANITARY SEWER DISTRICT** That geographic area defined as
2573 follows: Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary
2574 Sewer District shall be that geographic area annexed by the Sussex County Council
2575 on March 22, 1990, into the Dewey Beach Sanitary Sewer District that will receive
2576 sanitary sewer service by June 1, 2000, and did not have sanitary sewer service
2577 available on December 29, 1995.

2578 **ROAD ACCESSIBLE PARCELS** Parcels of real property that are served by an
2579 existing road or street or a street which was under construction prior to the date of
2580 the first advertisement which seeks bids for construction of a collection and
2581 transmission system to serve said real property within Phase III of the West
2582 Rehoboth Expansion of the Dewey Beach Sanitary Sewer District. Numbered
2583 parcels, as shown on official Sussex County Tax Maps, within an approved
2584 subdivision shall be considered separate parcels of real property.

2585 **TRANSFER** The fee simple conveyance of real property.

2586 **UNDER CONSTRUCTION** A street is under construction if all of the following
2587 items have been completed:

2588 **A.** The acquisition of all necessary permits and approvals to allow the project to
2589 proceed, including but not limited to, stormwater management, erosion and sediment
2590 control, private road construction, state entrance permit and central utility plans.

2591 **B.** The filing with the Sussex County Planning and Zoning Department of all
2592 necessary bonds to allow project development to proceed.

2593 **C.** The conveyance of a blanket easement to the county, which grants access to
2594 the right-of-way for the purpose of placing sanitary sewer lines.

2595 **D.** The corners of the affected lots shall be staked at the right-of-way line and
2596 each lot properly identified, to allow proper location of sewer laterals.

2597 **E.** The road swales shall be roughed in and shall be connected to the proposed
2598 outfall to allow stormwater to drain from the affected right-of-way.

2599 **F.** Topsoil shall be stripped from the proposed roadbed and a stable upgrade
2600 provided.

2601 **§ 110-139 Fees.**

2602 **A.** Any property owner owning a road accessible parcel of real property or a
2603 condominium unit, whether of a residential or commercial nature, within the area
2604 defined as Phase III of the West Rehoboth Expansion of the Dewey Beach Sanitary
2605 Sewer District, is hereby assessed a sewer capitalization fee, pursuant to the
2606 following schedule, as a contribution toward collection system construction costs:

2607 **(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 |

2608 **(2)** For parcels of real property containing multiple EDU's (including, but
2609 not limited to, multiple EDU commercial uses, manufactured home parks
2610 and campgrounds), the amounts as set forth in Subsection **A(1)** for the first
2611 EDU and \$250 for each additional EDU.

2612
2613 **(3)** For condominiums, \$250 per condominium unit.

2614
2615 **B.** Said sewer capitalization fee shall be due and payable at anytime prior to
2616 connection of a parcel of real property or condominium unit to the county's central
2617 sewer system or prior to one year following the date on which the county's central
2618 sewer system becomes operational with respect to the parcel of real property or
2619 condominium unit in question, whichever date comes first. Said sewer capitalization
2620 fee shall be in lieu of any sewer connection fee (excluding permit fees) which may
2621 be assessed by Sussex County in the future on those parcels of real property or

2622 condominium units which are connected to the county's central sewer system
2623 following establishment of the system.

2624

2625 **§ 110-140 Payment upon property transfer; exceptions.** Upon the transfer
2626 of any parcel of real property or condominium unit located within Phase III of the
2627 West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District to a
2628 purchaser for value, the sewer capitalization fee referenced in § 110-139 above shall
2629 be due and payable to the Sussex County Council immediately; provided, however,
2630 that any parcel of real property or condominium unit which is the subject of a valid
2631 real estate sales contract upon the enactment of this article on July 21, 1998, and
2632 which proceeds to settlement within 120 days of enactment of this article on July 21,
2633 1998, shall not be subject to pay the sewer capitalization fee upon property transfer;
2634 instead, said payment shall be made pursuant to §§ 110-139 and 110-141 of this
2635 article.

2636

2637 **§ 110-141 Payment prior to issuance of building permit.** Any parcel of real
2638 property not constructed upon will be required to pay the sewer capitalization fee
2639 prior to the issuance of a building permit, unless the sewer capitalization fee was
2640 paid at the time of property transfer.

2641

2642 **§ 110-142 Additional EDU's; fee.** Any owner of a parcel of real property or
2643 condominium unit within the area defined as Phase III of the West Rehoboth
2644 Expansion of the Dewey Beach Sanitary Sewer District who pays the sewer
2645 capitalization fee per EDU, as described in this article, but who later is granted
2646 additional EDU's by the Sussex County Engineering Department, shall pay an
2647 additional sewer capitalization fee for any EDU granted; provided, however, that
2648 any EDU which is not connected to the system prior to one year following the date
2649 on which the system becomes operational with respect to the parcel of real property
2650 or condominium unit in question will be assessed whatever the sewer connection fee
2651 is at that time with respect to that parcel of real property or condominium unit.

2652

2653 **§ 110-143 Installation of wastewater collection system.**

2654 **A.** In lieu of the sewer capitalization fee referenced herein, the owner of any
2655 nonroad accessible parcel of real property which received final subdivision approval
2656 from Sussex County prior to July 21, 1998, within Phase III of the West Rehoboth
2657 Expansion of the Dewey Beach Sanitary Sewer District, who wishes to develop said
2658 parcel of real property shall either:

2659 (1) Install a wastewater collection system to serve such subdivision,
2660 pursuant to Chapter 110, Article XI, of the Sussex County Code; or

2661 (2) For subdivisions with streets under construction, submit a written
2662 request to the County Engineer to have the subdivision's sewer lines installed as part
2663 of the regional sewer construction for Phase III of the West Rehoboth Expansion of
2664 the Dewey Beach Sanitary Sewer District.

2665
2666 **B.** The owner of any nonroad accessible parcel of real property which received
2667 final subdivision approval from Sussex County after July 21, 1998, shall be required
2668 to install a sewer collection system in accordance with the policies and procedures
2669 adopted pursuant to Chapter 110, Article XI, of the Sussex County Code, with credit
2670 for the sewer capitalization fee being granted to each lot within the subdivision,
2671 where said sewer collection system received a beneficial occupancy designation by
2672 the Sussex County Code within one year of Sussex County's wastewater system
2673 becoming operational.

2674
2675 **§ 110-144 Acceptance of payment.** Payment in full or partial payment of the
2676 sewer capitalization fee due under this article may be accepted by the county at any
2677 time prior to the time when said payment is due.

2678
2679 **§ 110-145 Examination of collection systems; inclusion in West Rehoboth**
2680 **system; credit for inclusion.** The County Engineer shall examine those
2681 subdivisions, manufactured home parks, campgrounds or condominium projects
2682 within the area defined as Phase III of the West Rehoboth Expansion of the Dewey
2683 Beach Sanitary Sewer District which have sewer collection systems, existing and in
2684 operation as of the date of enactment of this article, in order to determine whether
2685 said collections systems meet standards and specifications required by the County
2686 Engineer for inclusion in the West Rehoboth system. The County Engineer shall
2687 determine the extent to which said collection systems may be included in the West
2688 Rehoboth system and the construction cost savings, if any, to be realized from said
2689 inclusion. The County Engineer shall determine a method for providing a credit
2690 against the sewer capitalization fee for lots located in subdivisions whose sewer
2691 collection systems are to be included in the West Rehoboth system and shall report
2692 the same to County Council.

2693
2694 **§ 110-146 Responsibility for payment in property transfer.** As between
2695 the parties to any transfer which is subject to payment of the sewer capitalization

2696 fee, in the absence of an agreement between the parties to the contrary, the burden
2697 for paying the fee shall be on the grantee.

2698
2699 **§ 110-147 Utility relief program.** There is hereby established a utility relief
2700 program which will assist owners of parcels of real property within Phase III of the
2701 West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District who are
2702 required to pay the sewer capitalization fee pursuant to §§ **110-139** and **110-141** of
2703 this article who meet minimum annual income levels and who occupy the parcels of
2704 real estate which they own. Owners who qualify for inclusion in the utility relief
2705 program may choose to defer payment of the sewer capitalization fee and instead
2706 agree to allow Sussex County to place a lien on their parcel of real property in the
2707 amount of the sewer capitalization fee owed. The amount secured by the lien must
2708 be paid in full upon the transfer of the parcel to a purchaser for value or by gift,
2709 unless the transferee qualifies for inclusion in the utility relief program, in which
2710 case the lien shall remain on the parcel. Income guidelines for inclusion in the utility
2711 relief program shall be determined annually by the County Administrator. Nothing
2712 herein shall affect the validity or priority of liens placed pursuant to the utility relief
2713 program in Phases I and II of the West Rehoboth Expansion of the Dewey Beach
2714 Sanitary Sewer District, which shall remain in full force and effect and which shall
2715 be subject to the provisions herein with respect to payment upon transfer.

2716
2717 **§ 110-148 Exemptions.** Owners of parcels of real property who are exempt from
2718 assessment pursuant to § **110-94** of the Sussex County Code shall also be exempt
2719 from payment of the sewer capitalization fee.

2720
2721 **§ 110-149 Application of revenues.** Revenues derived from the sewer
2722 capitalization fee may be applied to pay any cost associated with the establishment
2723 of and financing of the collection facilities for the West Rehoboth Expansion of the
2724 Dewey Beach Sanitary Sewer District, including interest on any debt incurred to
2725 finance such facilities for such period of time after the completion of such facilities
2726 as the County Council shall determine shall be necessary in connection with such
2727 financing and including the funding of a depreciation reserve fund for such facilities.

2728
2729 **PART 7: PRIVATE COMMUNITY WASTEWATER SYSTEMS**

2730
2731 **Article XXIII Review and Approval**

2732

2733 **§ 110-150 Purpose.** In accordance with Title 26 of the Delaware Code, the
2734 State of Delaware Public Service Commission is authorized to issue certificates of
2735 public convenience and necessity for the construction and operation of private
2736 community wastewater systems within Sussex County. In addition, Sussex County
2737 plans, designs, finances and constructs its own wastewater collection, conveyance,
2738 treatment and disposal systems within its sanitary sewer districts. As part of this
2739 process, Sussex County has established primary and secondary service areas, which
2740 designate areas to be served in the future as part of a Sussex County Sanitary Sewer
2741 District. These primary and secondary service areas are utilized by Sussex County
2742 to adequately plan, design, finance and construct the collection, conveyance,
2743 treatment and disposal systems throughout the County. This Part 7 is intended to
2744 provide a method for the review and approval of private community wastewater
2745 systems within the Sussex County primary and secondary service areas.

2746
2747 **§ 110-151 Definitions.** The definitions supplied elsewhere in this chapter shall
2748 apply to this Part 7. Unless the context specifically indicates otherwise, the following
2749 terms shall have the meanings hereinafter designated:

2750
2751 **PRIMARY SERVICE AREA** The area designated by Sussex County as being a
2752 primary service area for Sussex County sanitary sewer service as adopted by Sussex
2753 County Council.

2754
2755 **PRIVATE COMMUNITY WASTEWATER SYSTEM or SYSTEM** A
2756 Facility for the conveyance, collection, processing, treatment or disposal of sanitary
2757 sewage, which is owned by a nongovernmental entity, and which services or is
2758 proposed to service more than one equivalent dwelling unit, as that term is defined
2759 elsewhere in this chapter.

2760
2761 **SECONDARY SERVICE AREA** The area designated by Sussex County as
2762 being a secondary service area for sanitary sewer service as adopted by Sussex
2763 County Council.

2764
2765 **§ 110-152 Approval required; application.**

2766 **A.** In general. A private community wastewater system shall not be constructed
2767 within a primary or secondary service area by any nongovernmental owner or entity
2768 without the prior approval of Sussex County, as hereinafter provided.

2769

2770 **B.** Applicants seeking to obtain the approval of Sussex County to construct a
2771 private community wastewater system within a primary or secondary service area
2772 must complete and file with the County Engineer an application in the form
2773 prescribed by the County and accompanied by a fee to be determined by the County
2774 Council. In support of the application, the user shall submit the following
2775 information:

2776
2777 (1) The address and location of the proposed private community
2778 wastewater system, including the Sussex County Tax Map and Parcel Number where
2779 the system will be located.

2780
2781 (2) The name, address and location of the owner and operator of the
2782 proposed private community wastewater system.

2783
2784 (3) A list of the property or properties to be served by the proposed private
2785 community wastewater system, including the development within which the system
2786 may be located and any other properties or developments that may be served by it.

2787
2788 (4) The number of equivalent dwelling units to be served by the system.

2789
2790 (5) A certification from the system design engineer indicating that the
2791 system as designed and constructed will adequately process sanitary sewage and
2792 waste as required by all applicable laws and regulations of the federal, state and
2793 County government.

2794
2795 (6) An executed agreement between the applicant and the property owner,
2796 and the operator (if different from the applicant) containing the provisions for:

2797
2798 (a) The operation and maintenance of the system;

2799
2800 (b) Compliance with all applicable laws, ordinances, regulations,
2801 standards and agreements regulating the proposed system; and

2802
2803 (c) No liability to Sussex County with respect to, or arising out of,
2804 the operation, maintenance, repair and/or replacement of the system.

2805

2806 (7) The submission of plans and specifications for the wastewater
2807 collection, transmission and disposal system as required by Chapter 99 of this Code,
2808 if needed by the County Engineer for the proper assessment of the application.
2809

2810 **§ 110-153 Review of application.**

2811 A. After obtaining all required information, and no later than 45 days after a
2812 complete application has been filed with the County Engineer, the County Engineer
2813 shall approve the private community wastewater system in writing only if it is
2814 determined that each of the following criteria have been favorably addressed, in
2815 addition to the information supplied with the application:
2816

2817 (1) Sussex County will not reasonably be able to provide sewer service to
2818 the property within five years from the date the application is filed; and
2819

2820 (2) Sussex County has not performed a planning study that the applicant
2821 can use to implement the extension of a transmission pipeline system to connect the
2822 development to existing County infrastructure; and
2823

2824 (3) The system will not adversely affect Sussex County's ability to provide
2825 future sewer service to other properties in the area, including, but not limited to,
2826 other existing developments, individual properties or structures; and
2827

2828 (4) The system, if serving more than one property, will not interfere with
2829 the County's ability to construct future pipelines and/or mains within private or
2830 public rights-of-way or other areas as may be necessary; and
2831

2832 (5) If mutually agreed, the system will be constructed in such a manner that
2833 it may be connected to a County sanitary sewer system in accordance with this
2834 chapter when the County sanitary sewer system becomes available; and
2835

2836 (6) The construction of the system does not adversely affect existing,
2837 designed or funded County sewer infrastructure, including, but not limited to,
2838 pipelines and/or mains sized to accommodate the property that is the subject of the
2839 application, pump stations sized to accommodate the property that is the subject of
2840 the application, treatment and disposal methods (including land application, ocean
2841 outfall or other methods) that have been or will be acquired to accommodate the
2842 treated wastewater, etc.; and

2843 (7) The proposed treatment and disposal area will not adversely affect
2844 neighboring and adjacent properties or water supplies.

2845

2846 **B.** The County Engineer's decision shall address each of the foregoing criteria,
2847 and shall be mailed to the applicant by certified mail.

2848

2849 **§ 110-154 Appeal of decision.**

2850 **A.** In the event an applicant is denied an approval as set forth in § 110-153, the
2851 applicant may take an appeal to County Council by filing a notice of appeal with
2852 County Council and stating the grounds therefor within 30 days after the County
2853 Engineer's decision has been mailed to the applicant by certified mail. County
2854 Council shall fix a date and time for a public hearing on the appeal, and give notice
2855 thereof by certified mail to the owner of the property that is the subject of the
2856 application, the applicant (if different from the owner), and the operator of the
2857 system, and by posting said notice conspicuously at the place to be served by the
2858 system. Such notice shall be given not less than 10 days before the date of the public
2859 hearing. The County Engineer shall transmit to the County Council all papers and
2860 documents which constitute the record of the decision appealed. County Council
2861 shall conduct a hearing and consider all evidence presented from any party,
2862 including the party taking the appeal, the County Engineer or his representative, the
2863 public or any other interested party, and may thereafter reverse or affirm the decision
2864 appealed.

2865

2866 **B.** The information considered by County Council shall be limited to the
2867 application for the private community wastewater system and the criteria set forth in
2868 this Part 7.

2869

2870 **§ 110-155 Prohibition within County sewer districts.** No private community
2871 wastewater systems shall be permitted within an established Sussex County Sewer
2872 District existing as of the date of adoption of this Part 7.

2873

2874 **§ 110-156 Effect on existing certificates of public convenience and necessity.**
2875 This Part 7 shall not apply to any system for which a certificate of public
2876 convenience and necessity has previously been issued by the Public Service
2877 Commission as of the date of adoption of this Part 7.]

2878

2879

2880 **Section 2.** The Code of Sussex County, Chapter 110, is hereby amended and
2881 restated, in its entirety, as follows:

2882 **§ 110-1. Definitions; word usage; abbreviations.**

2883 A. Unless the context specifically indicates otherwise, the following terms and
2884 phrases, as used in this Chapter, shall have the meanings hereinafter
2885 designated:

2886 **ACT or THE ACT**

2887 The Federal Water Pollution Control Act, also known as the "Clean Water
2888 Act," as amended, 33 U.S.C. § 1251 et seq.

2889 **APPROVAL AUTHORITY**

2890 The Administrator of the EPA in an NPDES state without an approved
2891 state pretreatment program.

2892 **APPROVED**

2893 Accepted or acceptable under an applicable specification cited in this
2894 Code or accepted as suitable for the proposed use under procedures and
2895 powers of the County Engineer.

2896 **AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER**

2897 1) A principal executive officer of at least the level of vice president, if
2898 the industrial user is a corporation.

2899 2) A general partner or proprietor, if the industrial user is a
2900 partnership or proprietorship, respectively.

2901 3) A duly authorized representative of the individual designated above,
2902 if such representative is responsible for the overall operation of the
2903 facilities from which the indirect discharge originates.

2904 **BACKFLOW**

2905 The flow of water or other liquids, mixtures or substances into the
2906 distribution pipes of a potable supply of water from any source or sources.

2907 **BACKFLOW PREVENTER**

2908 A device or means to prevent backflow.

2909 **BIOCHEMICAL OXYGEN DEMAND (BOD)**

2910 The quantity of oxygen utilized in the biochemical oxidation of organic
2911 matter under standard laboratory procedure, five days at 20° C.,
2912 expressed in terms of weight and concentration (Milligrams per liter
2913 (mg/l)).

2914 **BUILDING**

2915 A structure built, erected and framed of component structural parts
2916 designed for the housing, shelter, enclosure or support of persons, animals
2917 or property of any kind.

2918 **BUILDING DRAIN**

2919 That part of the lowest piping of a drainage system which receives the
2920 discharge from soil, waste and other drainage pipes inside the walls of the
2921 building and conveys it to a point directly outside of the building and to
2922 the building sewer.

2923 **BUILDING SEWER**

2924 That part of the drainage system which extends from the end of the building
2925 drain and conveys its discharge to a public sewer, private sewer,
2926 individual sewage disposal system or other point of disposal.

2927 **CATEGORICAL STANDARDS**

2928 National Categorical Pretreatment Standards or pretreatment standards.

2929 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
2930 **(CPCN)**

2931 Certificate of Public Convenience and Necessity is an approval granted to
2932 a private utility for a certain tax parcel by the Delaware Public Service
2933 Commission under a process defined in Title 26 of the Delaware Code.

2934 **CESSPOOL**

2935 A covered excavation in the ground which receives the discharge of
2936 domestic sewage or other organic wastes from a drainage system, so
2937 designed as to retain the organic matter and solids but permitting the
2938 liquids to seep through the bottom and sides.

2939 **CODE**

2940 When used alone, the Sussex County Code, subsequent amendments or any
2941 emergency rule or regulation which Sussex County Council may lawfully
2942 adopt.

2943 **CONTROL AUTHORITY**

2944 The approval authority, defined hereinabove, or, if the County has adopted
2945 an approved pretreatment program under the provisions of 40 CFR
2946 403.11, the official designated therein.

2947 **COOLING WATER**

2948 The water discharged from any use, such as air conditioning, cooling or
2949 refrigeration, or to which the only pollutant added is heat.

2950 **CROSS-CONNECTION**

2951 Any connection or arrangement between two otherwise separate piping
2952 systems, one of which contains potable water and the other water of
2953 unknown or questionable safety, whereby water may flow from one system
2954 to the other.

2955 **CUSTOMER**

2956 Any person, firm, corporation or organization supplied with water or
2957 provided with sewer service by Sussex County.

2958 **DELAWARE DEPARTMENT OF NATURAL RESOURCES AND**
2959 **ENVIRONMENTAL CONTROL (DNREC)**

2960 The agency responsible for monitoring all discharges to the surface and
2961 ground waters of the State of Delaware.

2962 **DIRECT DISCHARGE**

2963 The discharge of treated or untreated wastewater directly to the waters of
2964 the State of Delaware.

2965 **DRAINAGE SYSTEM**

2966 Includes all the piping within public or private system conveying sewage
2967 or other liquid wastes by means of gravity.

2968 **DWELLING**

2969 A structure having walls and a roof designed and used for the housing,
2970 shelter, enclosure or support of persons, animals or property.

2971 **EASEMENT**

2972 A right acquired by public authority to use or control property for a
2973 designated use. An "easement" restricts but does not abridge the rights of
2974 the fee owner to the use and enjoyment of his land.

2975 **ENGINEER**

2976 The duly appointed County Engineer designated by the County pursuant
2977 to Title 9 of the Delaware Code, who is the person overseeing all aspects
2978 of the Sussex County Engineering Department charged with certain duties
2979 and responsibilities under this Chapter of the Code or the authorized
2980 designee.

2981 **ENVIRONMENTAL PROTECTION AGENCY or EPA**

2982 The United States Environmental Protection Agency, or, where
2983 appropriate, the term may also be used as a designation for the
2984 Administrator or other duly authorized official.

2985 **EQUIVALENT DWELLING UNIT (EDU)**

2986 An arbitrary term used to express the load-producing effects on the water
2987 system and/or sewer system caused by one average sized residential
2988 dwelling.

2989 **FACILITY**

2990 For purposes of this Chapter, the term "Facility" means any of the County
2991 owned and operated Regional Wastewater Facilities. This definition
2992 includes any sewers that convey wastewater to a Facility. For the purposes
2993 of this Chapter, "Facility" shall also include any sewers that convey
2994 wastewaters to a Facility from persons outside Sussex County who are, by
2995 contract or agreement with the County, users of the County's "Facility"

2996 **FALL**

2997 The slope of a line of pipe in reference to a horizontal plane. In drainage
2998 systems it is usually expressed as the "fall" in a fraction of an inch per foot
2999 length of pipe.

3000 **FIXTURE UNIT (FU)**

3001 A quantity in terms of which the load-producing effects on the water system
3002 and/or sewer system of fixtures are expressed on a representative chosen
3003 scale.

3004 **FRONT FOOTAGE**

3005 Assessable parcel footage measurement as determined in this Chapter and
3006 by the Official Sussex County Property Map.

3008 **GRAB SAMPLE**

3009 A sample which is taken from a waste stream on a one-time basis with no
3010 regard to the flow in the waste stream and without consideration of time.

3011 **HOLDING TANK WASTE**

3012 Any waste from holding tanks, such as vessels, chemical toilets, campers,
3013 manufactured homes, septic tanks and vacuum-pump tank trucks.

3015 **INDIRECT DISCHARGE**

3016 The discharge or the introduction of nondomestic pollutants from any
3017 source regulated under Section 307(b) or (c) of the Act (33 U.S.C. § 1317)
3018 into a County Facility including holding-tank waste discharged into the
3019 system.

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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

3051 Any regulation containing pollutant discharge limits promulgated by the
3052 EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §
3053 1347) which applies to a specific category of industrial users.

3054 **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM**
3055 **OR NPDES PERMIT**

3056 A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

3057 **NATIONAL PROHIBITIVE DISCHARGE STANDARD or**
3058 **PROHIBITIVE DISCHARGE STANDARD**

3059 Any regulation developed under the authority of Section 307(b) of the Act
3060 and 40 CFR 403-5.

3061 **NATURAL OUTLET**

3062 Any outlet into a watercourse, pond, ditch, lake or other body of surface
3063 or ground water.

3064 **NEW SOURCE**

3065 Any source, the construction of which is commenced after the publication
3066 of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317)
3067 Categorical Pretreatment Standard which will be applicable to such
3068 source, if such standard is thereafter promulgated within 120 days of
3069 proposal in the Federal Register. Where the standard is promulgated later
3070 than 120 days after proposal, a "new source" means any source, the
3071 construction of which is commenced after the date of promulgation of the
3072 standard.

3073 **PARCEL**

3074 An area of land measured, surveyed and plotted and set apart for separate
3075 use, ownership and occupancy possibly encompassing two previously
3076 recorded individual lots.

3077 **PERSON**

3078 Any individual, partnership, co-partnership, firm, company, corporation,
3079 association, joint-stock company, trust, estate, governmental entity or any
3080 other legal entity or their legal representatives, agents or assigns. The

3081 masculine gender shall include the feminine, and the singular shall include
3082 the plural where indicated by the context.

3083 **pH**

3084 The logarithm (base 10) of the reciprocal of the concentration of hydrogen
3085 ions expressed in grams per liter of solution.

3086 **POLLUTANT**

3087 Any dredged spoil, solid waste, incinerator residue, garbage, sludge,
3088 munitions, chemical wastes, biological materials, radioactive materials,
3089 heat, wrecked or discharged equipment, rock, sand, dirt and industrial,
3090 municipal and agricultural waste discharged into water.

3091 **POLLUTION**

3092 The man-made or man-induced alteration of the chemical, physical,
3093 biological and radiological integrity of water.

3094 **POTABLE WATER**

3095 Water which is satisfactory for drinking, culinary and domestic purposes
3096 and meets the requirements of the primary and secondary standards of the
3097 Safe Drinking Water Act.

3098 **PRETREATMENT REQUIREMENTS**

3099 Any substantive or procedural requirement related to pretreatment, other
3100 than a National Any substantive or procedural requirement related to
3101 pretreatment, other than a National Pretreatment Standard imposed on an
3102 industrial user.

3103 **PRETREATMENT STANDARD**

3104 See definition of "National Categorical Pretreatment Standard" above.

3105 **PRETREATMENT or TREATMENT**

3106 The reduction of the amount of pollutants, the elimination of pollutants or
3107 the alteration of the nature of pollutant properties in wastewater to a less
3108 harmful state prior to or in lieu of discharging or otherwise introducing

3109 such pollutants into a Facility. The reduction or alteration can be obtained
3110 by physical, chemical or biological processes or process changes by other
3111 means, except as prohibited by 40 CFR 403.6(d).

3112 **PUBLICLY OWNED TREATMENT WORKS (POTW)**

3113 A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292),
3114 which is owned in this instance by Sussex County used in this Chapter
3115 interchangeably with “Facility”.

3116 **RIGHT-OF-WAY**

3117 A legal right of passage over another person's ground acquired by public
3118 authority.

3119 **SANITARY SEWER**

3120 A sewer which carries sewage and to which storm- surface and ground
3121 waters are not intentionally admitted.

3122 **SCATTERED PARCEL**

3123 Any single parcel of land abutted on at least two sides by developed
3124 property.

3125
3126 **SEPTAGE**

3127 Liquid and solid materials pumped from a septic tank, cesspool or holding
3128 tank excluding industrial waste.

3129 **SEPTAGE DISCHARGE FEE**

3130 A fee assessed to a user for each discharge made at the Facility.

3131 **SEPTIC TANK**

3132 A watertight receptacle which receives the discharge of a drainage system
3133 and is designed and constructed to separate solids from the liquid, digest
3134 organic matter through a period of detention and allow the liquids to
3135 discharge into the soil outside of the tank through a system of open joint
3136 or perforated piping or disposal pit.

3137 **SEWAGE (used interchangeably with WASTEWATER)**

3138 **SEWER SYSTEM**

3139 All improvements utilized for collecting, transmitting, treating, process
3140 monitoring and disposing of sewage.

3141 **SEWER SYSTEM CONCEPT EVALUATION (SSCE)**

3142 A Sussex County Engineering Department fee-based service study
3143 identifying system connection point(s), service to off-site parcels, district
3144 status and necessity of any Use of Existing Infrastructure Agreement.

3145 **SIGNIFICANT INDUSTRIAL USER**

3146 Any industrial user of the County's wastewater disposal system who has a
3147 discharge flow of 10,000 gallons or more per average workday or has a
3148 flow greater than 5% of the flow in the County's wastewater treatment
3149 system or has, in his wastes, toxic pollutants as defined pursuant to Section
3150 307 of the Act or is found by the County, Delaware DNREC or the United
3151 States Environmental Protection Agency to have significant impact, either
3152 singly or in combination with other contributing industries, on the
3153 wastewater treatment system, the quality of sludge, the system's effluent
3154 quality or air emissions generated by the system.

3155 **STANDARD INDUSTRIAL CLASSIFICATION (SIC)**

3156 A classification pursuant to the Standard Industrial Classification Manual
3157 issued by the Executive Office of the President, Office of Management and
3158 Budget, 1972.

3159 **STORMWATER**

3160 Any flow occurring during or following any form of natural precipitation
3161 and runoff resulting therefrom.

3162 **STREET**

3163 A public or private thoroughfare which affords the principal means of
3164 access to abutting property.

3165
3166 **SUSPENDED SOLIDS**

3167 The total suspended matter that floats on the surface of or is suspended in
3168 water, wastewater or other liquids and which is removable by laboratory
3169 filtering.

3170 **TECHNICAL BULLETIN FOR BUILDING SEWER AND WATER**
3171 **SERVICE**

3172 A non-regulatory document outlining standards and details for the
3173 installation of private building sewers and water service lines.
3174 Modifications to this document based on the latest technology shall be
3175 posted on the Sussex County website thirty days prior to taking effect.

3176 **TOXIC POLLUTANT**

3177 Any pollutant or combination of pollutants listed as toxic in regulations
3178 promulgated by the Administrator of the Environmental Protection Agency
3179 under the provision of CWA 307(a) or other acts.

3180 **TRAP**

3181 A fitting or device so designed and constructed as to provide, when
3182 properly vented, a liquid seal which will prevent the back passage of air
3183 without materially affecting the flow of sewage through it.

3184 **UNIFIED SANITARY SEWER DISTRICT**

3185 The Unified Sanitary Sewer District of Sussex County with boundaries as
3186 established and/or subsequently amended by Sussex County Council.

3187 **USER**

3188 Any person, partnership, corporation or an employee thereof that utilizes
3189 a Facility for discharge of septage.

3190 **VACUUM BREAKER**

3191 A device which prevents back-siphon of water by admitting atmospheric
3192 pressure through ports to the discharge side of device.

3193 **VENT SYSTEM (VENTED)**

3194 A system of pipe or pipes installed to provide a flow of air to or from a
3195 drainage system or to provide a circulation of air within such system to
3196 protect trap seals from siphonage and back pressure.

3197 **WASTEWATER (used interchangeably with SEWAGE)**

3198 The liquid and water-carried industrial or domestic wastes from dwellings,
3199 commercial buildings, industrial facilities and institutions, whether
3200 treated or untreated, which are contributed into or permitted to enter the
3201 Facility.

3202 **WATER MAIN**

3203 A water supply pipe for public use.

3204 **WATER SERVICE PIPE**

3205 The pipe from the connection point of the public water system to the
3206 structure.

3207 **WATER SYSTEM**

3208 All facilities for supplying, treating, storing, transmitting, distributing and
3209 measuring water.

3210 **WATERS OF THE STATE**

3211 All streams, lakes, ponds, marshes, watercourses, waterways, wells,
3212 springs, reservoirs, aquifers, drainage systems and all other bodies or
3213 accumulations of water, surface or underground, natural or artificial,
3214 public or private, which are contained within, flow through or border upon
3215 the State or any portion thereof.

3216 B. Word usage. "Shall" is mandatory; "may" is permissive.

3217 C. Abbreviations. The following abbreviations shall have the designated
3218 meanings:

3219 BOD — Biochemical Oxygen Demand.

3220 CFR — Code of Federal Regulations.

3221 COD — Chemical Oxygen Demand.

3222 CPCN – Certificate of Public Convenience and Necessity.
3223 DNREC – Delaware Department of Natural Resources and Environmental
3224 Control.
3225 EDU – Equivalent Dwelling Unit.
3226 FU – Fixture Unit.
3227 mg/l – Milligrams per liter.
3228 NPDES – National Pollutant Discharge Elimination System.
3229 SIC – Standard Industrial Classification.
3230 SWDA – Solid Waste Disposal Act, 42 U.S.C. § 6901 et. seq.
3231 TSS – Total Suspended Solids.
3232 USC – United States Code.

3233

3234 **Article I. Use of Public Sewers Required**

3235 **§ 110-2. Deposit of certain wastes.**

3236 It shall be unlawful for any person to place, deposit or permit to be deposited in any
3237 unsanitary manner on public or private property anywhere within the Unified
3238 Sanitary Sewer District any wastewater, solid waste or any other objectionable
3239 waste matter.

3240 **§ 110-3. Discharges to natural outlets.**

3241 It shall be unlawful to discharge to any natural outlet anywhere within Sussex
3242 County any sewage or other polluted waters.

3243 **§ 110-4. Use of privies, privy vaults, septic tanks and cesspools.**

3244 Where public sewers are legally and technically available within the Unified Sussex
3245 County Sanitary Sewer District, it shall be unlawful to construct or maintain any
3246 privy, septic system, cesspool or other methods intended or used for the on-site
3247 disposal of sewage.

3248 **§ 110-5. Connection to public sewer required.**

3249 A. The owners of all houses, buildings or properties used for human occupancy,
3250 employment, recreation or other purposes situated within the Unified Sussex

3251 County Sanitary Sewer District and abutting on any street, alley or right-of-
3252 way in which public sewer is legally and technically available, are hereby
3253 required, at their expense, to connect in accordance with the provisions of this
3254 Chapter within 120 days or as specified in the official notice to connect.

3255 B. Any connection must be made in accordance with the Technical Bulletin for
3256 Building Sewer and Water Service and Article VII of this Chapter.

3257 C. When any houses, buildings or properties are connected to the public sewer
3258 system on-site disposal facilities shall be abandoned in accordance with all
3259 applicable State of Delaware, DNREC Regulations.

3260
3261 **Article II. Building Sewers and Connections**

3262 **§ 110-6. Permit required.**

3263 A. No unauthorized person shall uncover, make any connections with or opening
3264 into, use, alter or disturb any public sewer or appurtenance thereof without
3265 first obtaining a permit from the County.

3266 B. No structure, including manufactured homes, shall be connected or
3267 disconnected from the public sewer system without first obtaining the required
3268 permit from the County. Manufactured Home Parks shall be exempt from this
3269 requirement provided the home is being replaced within 30 days and neither
3270 the foundation nor the tie-down system are modified.

3271 **§ 110-7. Classes of building sewer permit applications.**

3272 A. All permit applications shall be made in person by a plumber, duly licensed,
3273 who will connect or disconnect or supervise the work associated with the
3274 building sewer. The permit application shall be supplemented by plans and
3275 specifications, if required.

3276
3277 B. All permit applications shall be signed by the licensed plumber and the owner
3278 or the owner's representative of the building(s) to be connected except for
3279 industrial permits which shall be signed by the owner of the entity or his
3280 authorized agent in accordance with Article V of this Chapter.

3281
3282 C. The County utilizes the following four classes of building sewer permits:

- 3283 1.) Permits for residential and commercial service
- 3284 2.) Disconnect permits
- 3285 3.) Service permits for entities producing industrial wastes
- 3286 4.) Partial Hook-up permits for residential and commercial applications
3287 supplemented by plans and specifications approved by the Utility
3288 Engineering Division showing length and type of material to be installed.

3289 **§ 110-8. Expenses and indemnification.**

3290 All costs and expenses incident to the installation and connection of the building
3291 sewer shall be borne by the owner. The owner shall indemnify the County from any
3292 loss or damage that may directly or indirectly result from the installation of the
3293 building sewer.

3294 **§ 110-9. Separate building sewers required.**

3295 A. A separate and independent building sewer shall be provided for every newly
3296 constructed dwelling, building or property used for human occupancy,
3297 employment, recreation or other purpose. The Engineer may allow more than
3298 one existing structure to be connected to a single building sewer in the best
3299 interest of the County.

3300 B. A building sewer serving newly constructed buildings shall not service more
3301 than one of the following:

3302 1) Residential dwelling, either detached or one side of a double house or
3303 house in a row of houses, provided that a garage, a guest house and similar
3304 features incidental to the family life shall be considered as a portion of the
3305 dwelling.

3306 2) Industrial, commercial or manufacturing establishment.

3307 3) Commercial buildings separated by a partition wall or walls and
3308 comprising of stores, offices or any combination thereof.

3309 4) Detached building comprising apartments, stores, offices or any
3310 combination thereof.

3311 5) Establishment consisting of individual dwelling units under the
3312 management of a single commercial or cooperative entity.

3313 **§ 110-10. Use of old building sewers.**

3314 Old building sewers may be used in connection with new buildings only when they
3315 are found, on examination and test in the presence of the Engineer, to meet all
3316 requirements of this Chapter.

3317 **§ 110-11. Materials and methods.**

3318 The connection of the building sewer into the public sewer and the size, slope,
3319 alignment and materials of construction of the building sewer and the methods to be
3320 used in excavating, placing of the pipe, jointing, testing and backfilling the trench
3321 shall all conform to the requirements of the Technical Bulletin for Building Sewer
3322 and Water Service.

3323 **§ 110-12. Connection of building sewer to public sewer.**

3324 The applicant for the building sewer permit shall notify the County when the building
3325 sewer is ready for an open-trench visual inspection and connection to the public
3326 sewer. The work shall be inspected and approved by the Engineer prior to being
3327 placed in service.

3328 **Article III. Public Sewer Discharge Standards**

3329

3330 **§ 110-13. General discharge prohibitions.**

3331 Users shall not contribute or cause to be contributed, directly or indirectly, any
3332 pollutant or wastewater which will interfere with the operation or performance of
3333 the Facility. These general prohibitions apply to all such users of a Facility, whether
3334 or not the user is subject to National Categorical Pretreatment Standards or any
3335 other national, state or local pretreatment standards or requirements.

3336 Users shall not contribute the following substances to any Facility.

3337 A. Any wastewater which causes a hazard to human life or creates a public
3338 nuisance.

3339

3340 B. Any liquids, solids or gases which, by reason of their nature or quantity, are
3341 or may be sufficient, either alone or by interaction with other substances, to

3342 cause fire or explosion or be injurious in any other way to the Facility or to
3343 the operation of the Facility

3344 C. Any prohibited materials including but not limited to gasoline, kerosene,
3345 naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes,
3346 peroxides, chlorates, perchlorates, bromates carbides, hydrides and sulfides
3347 and any other substances which are a fire hazard or a general hazard to the
3348 system.

3349 D. Solid or viscous substances, which may cause obstruction to the flow in a
3350 sewer or other interference with the operation of the wastewater treatment
3351 facilities, such as but not limited to fats, oil and grease.

3352 E. Any wastewater having a pH less than 5.5 or greater than 9.5 or wastewater
3353 having any other corrosive property capable of causing damage or hazard to
3354 structures, equipment and/or personnel of the Facility.

3355 F. Any wastewater containing toxic pollutants in sufficient quantity, either singly
3356 or by interaction with other pollutants, to injure or interfere with any
3357 wastewater treatment process, constitute a hazard to humans or animals,
3358 create a toxic effect in the receiving waters of the Facility or exceed the
3359 limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant
3360 shall include but not be limited to any pollutant identified pursuant to Section
3361 307(a) of the Act.

3362 G. Any noxious or malodorous liquids, gases or solids which, either singly or by
3363 interaction with other wastes, are sufficient to create a public nuisance or
3364 hazard to life or are sufficient to prevent entry into the sewers for maintenance
3365 and repair.

3366 H. Any substance which may cause the Facility's effluent or any other product of
3367 the Facility, such as grit, sludges or scums, to be unsuitable for reclamation
3368 and reuse or to interfere with the solids reclamation process. In no case shall
3369 a substance discharged to the Facility, cause the Facility to be in
3370 noncompliance with biosolids use or disposal criteria, guidelines or
3371 regulations developed under Section 405 of the Act; or any criteria, guidelines
3372 or regulations affecting biosolids use or disposal developed pursuant to the
3373 Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control
3374 Act or state criteria.

- 3375 I. Any substance which will cause the Facility to violate its NPDES and/ or state
3376 disposal system permit or the receiving water quality standards.
- 3377 J. Materials which exert or cause:
- 3378 1) Unusual concentrations of dissolved solids (such as, but not limited to,
3379 sodium chloride and sodium sulfate.)
- 3380 2) Excessive discoloration (such as, but not limited to, dye wastes and
3381 vegetable tanning solutions).
- 3382 3) A biochemical oxygen demand (BOD) greater than 280 mg/l or
3383 chemical oxygen demand (COD) greater than 300 mg/l as determined
3384 from analysis of a twenty-four-hour composite sample.
- 3385 4) A total suspended solid load greater than 200 mg/l as determined from
3386 analysis of a twenty-four-hour composite sample.
- 3387 5) A fats, oil and grease load greater than 100 mg/l as determined from
3388 analysis of the average of two grab samples.
- 3389 6) An average chlorine demand greater than 15 parts per million.
- 3390 K. Any wastewater or vapor having a temperature which will inhibit biological
3391 activity in the Facility resulting in interference, but in no case wastewater
3392 with a temperature at the introduction into the Facility pipelines which
3393 exceeds 150° F. or a flow weighted average temperature over an eight-hour
3394 period greater than 100° F.
- 3395 L. Any pollutants, including oxygen-demanding pollutants (BOD, etc.), released
3396 at a flow rate and/or pollutant concentration which a user knows or has
3397 reason to know will cause interference to the Facility. In no case shall a slug
3398 load have a flow rate or contain concentrations or qualities of pollutants that
3399 exceed, for any time period longer than 15 minutes, more than five times the
3400 average twenty-four-hour concentration, quantities or flow during normal
3401 operation.
- 3402 M. Any wastewater containing any radioactive wastes or isotopes of such half-
3403 life or concentration as may exceed limits established by the Engineer in
3404 compliance with applicable state or federal regulations.

3405 N. Any organic solid waste either whole or shredded unless a screening device
3406 of not less than 14 mesh is installed downstream of the shredding equipment
3407 prior to discharge.

3408 O. Any waters or wastes containing strong-acid iron-pickling wastes or
3409 concentrated plating solutions, whether neutralized or not, unless covered
3410 under the National Categorical Pretreatment Standard.

3411 P. Waters or wastes containing substances which are not amenable to treatment
3412 or reduction by treatment processes employed or are amenable to treatment
3413 only to such degree that the Facility's effluent cannot meet the DNREC permit
3414 requirements or other agencies having jurisdiction over discharge to the
3415 receiving waters.

3416 **§ 110-14. Specific discharge prohibitions.**

3417 Any waters or wastes containing metals and similar objectionable or toxic
3418 substances exerting an excessive treatment requirement, to such degree that any
3419 such material received in the respective composite sewage at the Facility exceeds
3420 the limits established by the Engineer for such materials, or which creates a hazard
3421 in the receiving water of said Facility.

3422 The following substances are not permitted in concentrations above those listed.
3423 Upon written determination by the Engineer, restrictions may also be placed on
3424 other specific substances, or the present concentration limits revised, when it is
3425 shown that the presence of these substances or concentrations at any Facility is
3426 sufficient to adversely affect any portion of the treatment processes.

| <u>Substance</u> | <u>Maximum Allowable Concentration</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> |

| | | |
|------|--|-------------|
| 3436 | <u>Nickel as Ni</u> | <u>2.0</u> |
| 3437 | <u>Zinc as Zn</u> | <u>5.0</u> |
| 3438 | <u>Total Toxic Organics (TTO) <EPA recommended individual</u> | |
| 3439 | <u>constituent limit</u> | |
| 3440 | | |
| 3441 | <u>Total Trihalomethanes (TTHMs)</u> | <u>0.08</u> |

3442 **§ 110-15. Pretreatment.**

3443 A. If any waters or wastes are discharged or are proposed to be discharged
 3444 to the public sewers, which waters contain the substances or possess the
 3445 characteristics enumerated in this Article and which, in the judgment of
 3446 the Engineer or as required by the National Pollutant Discharge
 3447 Elimination System (NPDES), SWDA, DNREC, National Categorical
 3448 Pretreatment Standard and/or approval authority, may have a deleterious
 3449 effect upon the sewage works, processes, equipment or receiving waters or
 3450 which otherwise create a hazard to life or constitute a public nuisance, the
 3451 Engineer shall:

- 3452 1) Require that the waste discharge be stopped or reject the
 3453 application to discharge proposed waste;
- 3454 2) Require pretreatment in compliance with National Categorical
 3455 Pretreatment Standards before discharge to the public sewers;
- 3456 3) Require control over the quantities and rates of discharge; and/or
- 3457 4) Require payment to cover the added cost of handling and treating
 3458 the wastes not covered by existing taxes or Sewer Charge
 3459 Ordinances.

3460 B. If the Engineer permits the pretreatment or equalization of waste flows,
 3461 the design and installation of the plants and equipment shall be subject to
 3462 the review and approval of the Engineer and subject to the requirements
 3463 of all applicable codes, ordinances and laws.

3464 **§ 110-16. Interceptors.**

3465 Grease, oil and sand interceptors or traps shall be provided when, in the opinion of
 3466 the Engineer, they are necessary for the proper handling of liquid wastes containing

3467 fats, oil and grease in excess of the stated limits in this Chapter or any flammable
3468 wastes, grit or other harmful ingredients, except that such interceptors shall not be
3469 required for residential dwelling or apartment units. Interceptors shall be of a type
3470 and capacity approved by the Engineer and shall be located as to be readily and
3471 easily accessible for cleaning and visual inspection.

3472 **§ 110-17. Maintenance of pretreatment structures and equipment.**

3473 Where pre-treatment or flow-equalizing structures and/or equipment are required
3474 by permit, they shall be maintained continuously in satisfactory and effective
3475 operation by the owner, at the owner's expense and accessible for unannounced
3476 inspection by the Engineer.

3477 **§ 110-18. Effect of Federal Categorical Pretreatment Standards.**

3478 Upon the promulgation of the Federal Categorical Pretreatment Standards for a
3479 particular industrial subcategory, the federal standard, if more stringent than
3480 limitations imposed under this Chapter for sources in that subcategory, shall
3481 immediately supersede the limitations imposed under this Chapter. The Engineer
3482 shall notify all affected users of the applicable reporting requirements under 40 CFR
3483 403.12.

3484 **§ 110-19. Modification of Federal Categorical Pretreatment Standards.**

3485 Where the County's wastewater treatment system achieves consistent removal of
3486 pollutants limited by Federal Pretreatment Standards- the County may apply to the
3487 approval authority for modification of specific limits in the Federal Pretreatment
3488 Standards. "Consistent removal" shall mean reduction in the amount of a pollutant
3489 or alteration of the nature of the pollutant by the wastewater treatment system to a
3490 less toxic or harmless state in the effluent which is achieved by the system 95% of
3491 the samples taken when measured according to the procedures set forth in Section
3492 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, General
3493 Pretreatment Regulations for Existing and New Sources of Pollution, promulgated
3494 pursuant to the Act (as may be amended). The County may then modify pollutant
3495 discharge limits in the Federal Pretreatment Standards if the requirements
3496 contained in 40 CFR 403.7 are fulfilled and prior approval from the approval
3497 authority is obtained.

3498 **§ 110-20. State requirements.**

3499 State requirements and limitations on discharges shall apply in any case where they
3500 are more stringent than federal requirements and limitations or those in this
3501 Chapter.

3502 **§ 110-21. Dilution of discharge.**

3503 No user shall ever increase the use of process water or in any way attempt to dilute
3504 a discharge as a partial or complete substitute for adequate treatment to achieve
3505 compliance with the limitations contained in the Federal Categorical Pretreatment
3506 Standards or in any other pollutant-specific limitation developed by the County or
3507 state.

3508 **§ 110-22. Accidental discharge protection and procedures.**

3509 A. Each user shall provide protection from accidental discharge of prohibited
3510 materials or other substances regulated by this Chapter. Equipment and/or
3511 processes preventing accidental discharge of prohibited materials shall be
3512 installed and maintained at the owner or user's expense. Detailed plans
3513 showing equipment and operating procedures shall be submitted by user to
3514 the County for review on a date to be determined by the County. No user who
3515 commences contribution to a Facility shall be permitted to introduce
3516 pollutants into the system until accidental discharge procedures have been
3517 approved by the County. Review and approval of such plans and operating
3518 procedures shall not relieve the user from the responsibility to modify the
3519 user's equipment and/or processes as necessary to meet the requirements of
3520 this Chapter.

3521 B. In the case of an accidental discharge, it is the responsibility of the user to
3522 immediately telephone and notify the County of the incident. The notification
3523 shall include the location of the discharge, the type of waste, concentration
3524 and volume and corrective actions.

3525 1) Written notice. Within five days following an accidental discharge, the
3526 user shall submit to the Engineer a detailed written report describing
3527 the cause of the discharge and the measures to be taken by the user to
3528 prevent similar future occurrences. Such notification shall not relieve
3529 the user of any expense, loss, damage or other liability which may be
3530 incurred as a result of damage to the Facility, environmental or any
3531 other damage to person or property; nor shall such notification relieve

3532 the user of any fines, civil penalties or other liability which may be
3533 imposed by this Chapter or other applicable law.

3534 2) Notice to employees. A notice shall be permanently posted on the user's
3535 bulletin board or other prominent place advising employees whom to
3536 call in the event of an accidental discharge. Employers shall ensure
3537 that all employees who may cause or suffer such a discharge to occur
3538 are advised of the emergency notification procedure.

3539 **Article IV. Industrial Wastewater Pretreatment Program Fees**

3540 **§ 110-23. Purpose.**

3541 The purpose of this Article is to provide for the recovery of costs from users of the
3542 County's sewer system for the implementation and administration of the industrial
3543 wastewater pretreatment program.

3544 The applicable charges or fees shall be included in the schedule of fees adopted as
3545 part of the Annual Sussex County Budget.

3546 In addition to the schedule of fees adopted as part of the Annual Sussex County
3547 Budget, the County is authorized to recover imposed pretreatment charges or fees
3548 of a municipality or other private regulated utility operator(s) of a wastewater
3549 treatment facility providing contractual wastewater treatment and disposal services
3550 for the County.

3551 **§ 110-24. Authorization for fees.**

3552 A. The County may adopt charges and fees which relate solely to the matters
3553 covered by the industrial wastewater pretreatment program which are
3554 separate from all other fees chargeable by the County. These fees may include
3555 but are not limited to the following:

3556 1) Fees for reimbursement of costs of setting up and operating the County's
3557 pretreatment program.

3558 2) Fees for monitoring, inspections and surveillance procedures.

3559 3) Fees for reviewing accidental discharge procedures and construction.

3560 4) Fees for permit applications.

- 3561 5) Payment of the engineering fees if consultant engineering design review is
3562 required.
- 3563 6) Fees for filing appeals.
- 3564 7) Fees for consistent removal (by the County) of pollutants otherwise subject
3565 to Federal Pretreatment Standards.
- 3566 8) Other fees as the Engineer may deem necessary to carry out the
3567 requirements contained herein.

3568 **Article V. Industrial Wastewater Discharge Program**

3569 **§ 110-25. Conformance required.**

3570 It shall be unlawful to discharge without a permit to any natural outlet within the
3571 County or in any area under the jurisdiction of said County and/or to the Facility
3572 any wastewater except as authorized by the Engineer in accordance with this
3573 Chapter.

3574 **§ 110-26. Permit required.**

3575 All significant industrial users proposing to connect to or to contribute to the
3576 Facility shall obtain an industrial wastewater discharge permit before connecting
3577 to or contributing to the Facility.

3578 **§ 110-27. Permit application.**

3579 A. Users required to obtain an industrial wastewater discharge permit shall
3580 complete and file with the County an application in the form prescribed by the
3581 County and accompanied by the approved fee established as part of the
3582 annual budget proces. New significant industrial users shall apply at least
3583 180 days prior to connecting to or contributing to the Facility.

3584 B. In support of the application, the user shall submit, in units and terms
3585 appropriate for evaluation, the following information:

3586 1) The name, address and location (if different from the address).

3587 2) The SIC number according to the Standard Industrial Classification
3588 Manual, Bureau of the Budget, 1972, as amended.

- 3589 3) The wastewater constituents and characteristics, including but not limited
3590 to those mentioned in this Chapter, as determined by a reliable analytical
3591 laboratory. Sampling and analysis shall be performed in accordance with
3592 procedures established by the EPA pursuant to Section 304(g) of the Act
3593 and contained in 40 CFR 136, as amended.
- 3594 4) The time and duration of the contribution.
- 3595 5) The average daily and thirty-minute peak wastewater flow rates, including
3596 daily, monthly and seasonal variations, if any.
- 3597 6) Site plans, floor plans, mechanical and plumbing plans and details to show
3598 all sewers, sewer connections and appurtenances by the size, location and
3599 elevation.
- 3600 7) A description of the activities, facilities and plant processes on the
3601 premises, including all materials which are or could be discharged.
- 3602 8) Where known, the nature and concentration of any pollutants in the
3603 discharge which are limited by any County, state or federal pretreatment
3604 standards and a statement regarding whether or not the pretreatment
3605 standards are being met on a consistent basis and, if not, whether
3606 additional operation and maintenance (O&M) and/or additional
3607 pretreatment is required for the user to meet applicable pretreatment
3608 standards.
- 3609 9) A pretreatment schedule meeting the following conditions:
- 3610 a. If additional pretreatment and/or O&M will be required to meet the
3611 pretreatment standards, the shortest schedule by which the user will
3612 provide such additional pretreatment. The completion date in this
3613 schedule shall not be later than the compliance date established for the
3614 applicable pretreatment standard.
- 3615 b. The schedule shall contain increments of progress in the form of dates
3616 for the commencement and completion of major events leading to the
3617 construction and operation of additional pretreatment required for the
3618 user to meet the applicable pretreatment standards (e.g., hiring an
3619 engineer, completing preliminary plans, completing final plans,
3620 executing a contract for major components, commencing construction,
3621 completing construction, etc.).

3622 c. Not later than 14 days following each date in the schedule and the final
3623 date for compliance, the user shall submit a progress report to the
3624 Engineer, including, as a minimum, if it complied with the increment of
3625 progress to be met on such date and, if not, the date on which it expects
3626 to comply with this increment of progress, the reason for delay and the
3627 steps being taken by the user to return the construction to the schedule
3628 established. In no event shall more than six months elapse between such
3629 progress reports to the Engineer.

3630 10) Each product produced by type, amount, process or processes and rate
3631 of production.

3632 11) The type and amount of raw materials processed (average and
3633 maximum per day).

3634 12) The number and type of employees, the hours of operation of the plant
3635 and proposed or actual hours of operation of the pretreatment system.

3636 13) Any other information as may be deemed by the County to be necessary
3637 to evaluate the permit application.

3638 C. The County will evaluate the data furnished by the user and may require
3639 additional information. After evaluation and acceptance of the data furnished,
3640 the County may issue an industrial wastewater discharge permit subject to
3641 terms and conditions provided herein.

3642 **§ 110-28. Permit modifications.**

3643 Within nine months of the re-promulgation of a National Categorical Pretreatment
3644 Standard, the industrial wastewater discharge permit of any user subject to such
3645 standards shall be revised to require compliance with such standard within the time
3646 frame prescribed by such standard. Where a user subject to a National Categorical
3647 Pretreatment Standard has not previously submitted an application for an industrial
3648 wastewater discharge permit as required by § 110- 27, the user shall apply for an
3649 industrial wastewater discharge permit within 180 days after the promulgation of
3650 an applicable National Categorical Pretreatment Standard. In addition, the user
3651 with an existing industrial wastewater discharge permit shall submit to the Engineer
3652 within 180 days after the re-promulgation of an applicable Federal Categorical
3653 Pretreatment Standard the information required.

3654 **§ 110-29. Permit conditions.**

3655 A. Industrial wastewater discharge permits shall be expressly subject to all
3656 provisions of this Chapter and all other applicable regulations, user charges
3657 and fees established by the County.

3658 B. Permits may contain the following:

3659 1) The unit charge or schedule of user charges and fees for the wastewater to
3660 be discharged.

3661 2) Limits on the average and maximum wastewater constituents and
3662 characteristics.

3663 3) Limits on the average and maximum rate and time of discharge or
3664 requirements for flow regulations and equalization.

3665 4) Requirements for installation and maintenance of inspection and sampling
3666 facilities.

3667 5) Specifications for monitoring programs, which may include sampling
3668 locations, frequency of sampling, number, types and standards for tests
3669 and reporting schedule.

3670 6) Compliance schedules.

3671 7) Requirements for submission of technical reports or discharge reports as
3672 per § 110-32.

3673 8) Requirements for maintaining and retaining plant records relating to
3674 wastewater discharge as specified by the County and affording County
3675 access thereto.

3676 9) Requirements for notification of the County of any new introduction of
3677 wastewater constituents or of any substantial change in the volume or
3678 character of the wastewater constituents being introduced into the
3679 wastewater treatment system.

3680 10) Requirements for notification of slug discharges.

3681 11) Other conditions as deemed appropriate by the County Engineer to
3682 ensure compliance with this Chapter.

3683 § 110-30. Duration of permit.

3684 Significant industrial user permits shall be issued for a specified time period, not to
3685 exceed five years. A permit may be issued for a period less than a year or may be
3686 stated to expire on a specific date. The user shall apply for permit reissuance a
3687 minimum of 180 days prior to the expiration of the user's existing permit. The terms
3688 and conditions of the permit may be subject to modification by the County during
3689 the term of the permit as limitations or requirements as identified in Article III are
3690 modified or other just cause exists. The user shall be informed of any proposed
3691 changes in his permit at least 30 days prior to the effective date of the change. Any
3692 changes or new conditions in the permit shall include a reasonable time schedule
3693 for compliance.

3694 **§ 110-31. Transfer of permit.**

3695 Industrial wastewater discharge permits are issued to a specific user for a specific
3696 operation. A wastewater discharge permit shall not be reassigned or transferred or
3697 sold to a new owner, new user, different premises or a new or changed operation
3698 without the approval of the County. Any succeeding owner or user shall also comply
3699 with the terms and conditions of the existing permit.

3700 **§ 110-32. Reports.**

3701 A. Compliance date report. Within 90 days following the date for final
3702 compliance with applicable pretreatment standards or, in the case of a new
3703 source, following commencement of the introduction of wastewater into the
3704 Facility, an industrial user subject to pretreatment standards and
3705 requirements shall submit to the Engineer a report indicating the nature and
3706 concentration of all pollutants in the discharge from the regulated process
3707 which are limited by pretreatment standards and requirements and the
3708 average and maximum daily flow for these process units in the user's facility
3709 which are limited by such pretreatment standards or requirements. The report
3710 shall state whether the applicable pretreatment standards or requirements are
3711 being met on a consistent basis and, if not, what additional O&M and/or
3712 pretreatment is necessary to bring the user into compliance with the
3713 applicable pretreatment standards or requirements. This statement shall be
3714 signed by an authorized representative of the industrial user and certified to
3715 by a qualified professional.

3716 B. Significant industrial user periodic compliance reports.

3717 1) Any industrial user subject to a pretreatment standard, after the
3718 compliance date of such pretreatment standard or, in the case of a new
3719 source, after commencement of the discharge into the Facility, shall submit
3720 to the Engineer during the months of June and December, unless required
3721 more frequently in the pretreatment standard or by the Engineer, a report
3722 indicating the nature and concentration of pollutants in the effluent which
3723 are limited by such pretreatment standards. In addition, this report shall
3724 include a record of all daily flows which, during the reporting period,
3725 exceeded the average daily flow reported in § 110-29 of this Article. At the
3726 discretion of the Engineer and in consideration of such factors as local
3727 high or low flow rates, holidays, budget cycles, etc., the Engineer may
3728 agree to alter the months during which the above reports are to be
3729 submitted.

3730 2) The Engineer may impose mass limitations on industrial users where the
3731 imposition of mass limitations is appropriate. In such cases, the report
3732 required by Subsection B (1) shall indicate the mass of pollutants regulated
3733 by pretreatment standards in the effluent of the user. These reports shall
3734 contain the results of sampling and analysis of the discharge, including the
3735 flow and the nature and concentration or production and mass, where
3736 requested by the Engineer, of pollutants contained therein which are
3737 limited by the applicable pretreatment standards. The frequency of
3738 monitoring shall be prescribed in the applicable pretreatment standard.
3739 All analysis shall be performed in accordance with procedures established
3740 by the Administrator pursuant to Section 304(g) of the Act and contained
3741 in 40 CFR 136 and amendments thereto or with any other test procedures
3742 approved by the Administrator. Sampling shall be performed in
3743 accordance with the techniques approved by the Administrator. Where 40
3744 CFR 136 does not include a sampling or analytical technique for the
3745 pollutant in question, sampling and analysis shall be performed in
3746 accordance with the procedures set forth in the EPA publication, Sampling
3747 and Analysis Procedures for Screening of Industrial Effluents for Priority
3748 Pollutants, April 1977, and amendments thereto, or with any other
3749 sampling and analytical procedures approved by the Administrator.

3750 **§ 110-33. Monitoring structures and devices.**

3751 A. The County shall require a significant industrial user to provide and operate,
3752 at the user's own expense, monitoring structures and devices to allow

3753 inspection, sampling and flow measurement of the building sewer and/or
3754 internal drainage systems. The monitoring structures and devices should
3755 normally be situated on the user's premises, but the County may, when such a
3756 location would be impractical or cause undue hardship on the user, allow
3757 construction in the public street or sidewalk area and located so that it will
3758 not be obstructed by landscaping or parked vehicles.

3759 B. There shall be ample room in or near such sampling manhole to allow
3760 accurate sampling and preparation of samples for analysis. The structures,
3761 sampling devices and measuring equipment shall be maintained at all times
3762 in a safe and proper operating condition at the expense of the user.

3763 C. Whether constructed on public or private property, the sampling and
3764 monitoring structures shall be provided in accordance with the County's
3765 requirements and all applicable local construction standards and
3766 specifications. Construction shall be completed within 90 days following
3767 written notification by the County.

3768 **§ 110-34. Inspection and sampling of industrial user.**

3769 The County shall inspect the facilities of any industrial user to ascertain whether the
3770 purpose of this Chapter is being met and all requirements are being complied with.
3771 Persons or occupants of premises where wastewater is created or discharged shall
3772 allow the County or its representative ready access at all reasonable times to all
3773 parts of the premises for the purposes of inspection, sampling, records examination
3774 or in the performance of any of their duties. The County, the DNREC, the approval
3775 authority and the EPA shall have the right to set up on the industrial user's property
3776 such devices as are necessary to conduct sampling inspection, compliance
3777 monitoring and/or metering operations. Where an industrial user has security
3778 measures in force which would require proper identification and clearance before
3779 entry into its premises, the user shall make necessary arrangements with its security
3780 guards so that, upon presentation of suitable identification, personnel from the
3781 County, the approval authority, the DNREC and the EPA will be permitted to enter
3782 without delay for the purposes of performing their specific responsibilities.

3783 **§ 110-35. Pretreatment requirements.**

3784 A. Industrial users shall provide necessary wastewater treatment as required to
3785 comply with this Chapter and shall achieve compliance with all Federal
3786 Categorical Pretreatment Standards within the time limitations as specified

3787 by the Federal Pretreatment Regulations. Any facilities required to pretreat
3788 wastewater to a level acceptable to the County shall be provided, operated
3789 and maintained at the user's expense. Detailed plans showing the
3790 pretreatment facilities and operating procedures shall be submitted to the
3791 County for review and shall be acceptable to the County before construction
3792 of the pretreatment facility. The review of such plans and operating
3793 procedures will in no way relieve the user from the responsibility of modifying
3794 the pretreatment facility as necessary to produce an effluent acceptable to the
3795 County under the provisions of this Chapter. Any subsequent changes in the
3796 pretreatment facilities or method of operation shall be reported to and be
3797 acceptable to the County prior to the user's initiation of the changes.

3798 B. The County shall annually publish in a general-circulation newspaper a list
3799 of the users which were not in compliance with any pretreatment requirements
3800 or standards at least once during the 12 previous months. The notification
3801 shall also summarize any enforcement actions taken against the user(s)
3802 during the same 12 months.

3803 C. All records relating to compliance with pretreatment standards shall be made
3804 available to officials of the EPA or the approval authority upon request.

3805 **§ 110-36. Confidential information.**

3806 A. Information and data on a user obtained from reports, questionnaires, permit
3807 applications, permits and monitoring programs and from inspections shall be
3808 made available to the public or other governmental agency without
3809 restriction, unless the user specifically requests and is able to demonstrate, to
3810 the satisfaction of the County, that the release of such information would
3811 divulge information, processes or methods of production entitled to protection
3812 as trade secrets of the user.

3813 B. When requested by the person furnishing a report, the portions of a report
3814 which might disclose trade secrets or secret processes shall not be made
3815 available for inspection by the public but shall be made available upon written
3816 request to governmental agencies for uses related to this Chapter, the
3817 National Pollutant Discharge Elimination System (NPDES) permit, the State
3818 Disposal System permit and/or the pretreatment programs; provided,
3819 however, that such portions of a report shall be available for the use of the
3820 County, state or any state agency in judicial review or enforcement
3821 proceedings involving the person furnishing the report. Wastewater

3822 constituents and characteristics will not be recognized as confidential
3823 information.

3824 C. Information accepted by the County as confidential shall not be transmitted
3825 to any governmental agency or to the general public by the County until and
3826 unless a ten-day notification is given to the user.

3827 **§ 110-37. Measurements, tests and analyses.**

3828 All measurements, tests and analyses of the characteristics of waters and wastes to
3829 which reference is made in this Chapter where federal, state or County regulations
3830 are silent as to methods of analysis shall be determined in accordance with the latest
3831 edition of "Standard Methods for the Examination of Water and Wastewater,
3832 published by the American Public Health Association" and shall be determined at
3833 the control manhole provided or upon suitable samples taken at said control
3834 manhole. In the event that no special manhole has been required, the control
3835 manhole shall be considered to be the nearest downstream manhole in the public
3836 sewer to the point at which the building sewer is connected. Sampling shall be
3837 carried out by customarily accepted methods to reflect the effect of constituents upon
3838 the sewage works and to determine the existence of hazards to life, limb and
3839 property. (The particular analyses involved will determine whether a twenty-four-
3840 hour composite of all outfalls of a premise is appropriate or whether a grab sample
3841 or samples should be taken. Normally, but not always, BOD and suspended solids
3842 analyses are obtained from twenty-four-hour composites of all outfalls, whereas
3843 pH's are determined from periodic grab samples.)

3844 **§ 110-38. Increased discharge restricted.**

3845 If any of the wastewater treatment facilities receiving permitted industrial
3846 discharges have reached eighty percent of loading as determined under the NPDES
3847 Permit, then the Engineer is authorized to prohibit increased industrial discharge,
3848 either on the basis of flow or loading of waste constituents, or both.

3849 **§ 110-39. Suspension of wastewater treatment service.**

3850 A. The County may suspend the wastewater treatment service and/or an
3851 industrial wastewater discharge permit when such suspension is necessary, in
3852 the opinion of the Engineer, in order to stop an actual or threatened discharge
3853 which presents or may present an imminent or substantial endangerment to

3854 the health or welfare of persons or to the environment, causes interference to
3855 the Facility or causes the County to violate any condition of its NPDES permit.

3856 B. Any person notified of a suspension of the wastewater treatment service
3857 and/or the industrial wastewater discharge permit shall immediately stop or
3858 eliminate the contribution. In the event of a failure of the person to comply
3859 voluntarily with the suspension order, the County shall take such steps as
3860 deemed necessary, including immediate severance of the sewer connection, to
3861 prevent or minimize damage to the Facility system or endangerment to any
3862 individuals. The County shall reinstate the industrial wastewater discharge
3863 permit and/or the wastewater treatment service upon proof of the elimination
3864 of the noncomplying discharge. A detailed written statement submitted by the
3865 user describing the causes of the harmful contribution and the measures taken
3866 to prevent any future occurrence shall be submitted to the County within 15
3867 days of the date of occurrence.

3868 **§ 110-40. Revocation of permit.**

3869 Any user who violates the following conditions of this Chapter or applicable state
3870 and federal regulations is subject to having his permit revoked:

3871 A. Failure of a user to factually report the wastewater constituents and
3872 characteristics of his discharge.

3873 B. Failure of the user to report significant changes in operations or in
3874 wastewater constituents and characteristics.

3875 C. Refusal of reasonable access to the user's premises for inspection or
3876 monitoring.

3877 D. Violation of conditions of the permit.

3878 **§ 110-41. Violation proceedings.**

3879 A. See Article IX for penalties and legal proceedings.

3880 B. Any person who knowingly makes any false statement, representation or
3881 certification in any application, record, report, plan or other document filed
3882 or required to be maintained pursuant to this Article or any wastewater
3883 contribution permit or who falsifies, tampers with or knowingly renders
3884 inaccurate any monitoring device or method required under this Chapter

3885 shall be subject to criminal prosecution pursuant to the laws of the State of
3886 Delaware.

3887 **Article VI. Use of Public Water Service**

3888 **§ 110-42. Connection required.**

3889 The owners of all houses, buildings or properties used for human occupancy,
3890 employment, recreation or other purposes situated in an area served by a Sussex
3891 County water district and abutting on any street, alley or right-of-way in which there
3892 is now located or may in the future be located a public water main of Sussex County
3893 are hereby required, at their expense to connect in accordance with the Technical
3894 Bulletin for Building Sewer and Water Service and the provisions of this Chapter,
3895 within 180 days after the date of official notice to connect.

3896 **§ 110-43. Permit required.**

3897 No unauthorized person shall uncover, make any connections with or opening into,
3898 use, alter or disturb any public water main or appurtenance thereof without first
3899 obtaining a permit from the Engineer.

3900 **§ 110-44. Permit application.**

3901 A. Application for a permit to install and connect a water service pipe shall be
3902 made by a plumber, licensed in the State of Delaware, who will install or
3903 supervise the installation of the water service pipe. The application will be
3904 made on forms provided by the County and shall be supplemented by any
3905 plans, specifications or other information considered pertinent in the
3906 judgment of the Engineer. The application shall be signed by the licensed
3907 plumber and the owner or the owner's representative of the building having
3908 the water service pipe connected thereto. If approved, the application will be
3909 signed by the Engineer or his authorized agent and will constitute a permit.

3910 B. An application for a permit shall be made to increase the size of an existing
3911 service. The cost of increasing the size of the service shall be borne entirely
3912 by the applicant.

3913 **§ 110-45. Separate water service required.**

3914 A separate and independent water service shall be provided for every dwelling,
3915 building or property used for human occupancy, employment, recreation or other

3916 purpose. A water service, water meter and water service pipe shall not service more
3917 than one:

3918 A. Dwelling house, either detached or one side of a double house or a house in
3919 a row of houses, provided that a garage, a guest house and similar features
3920 incidental to the family life shall be considered as a portion of the dwelling.

3921 B. Industrial, commercial or manufacturing establishment.

3922 C. Building separated from adjacent buildings by a party wall or walls and
3923 comprising apartments, stores, offices or a combination thereof.

3924 D. Detached building comprising apartments, stores, offices or any combination
3925 thereof.

3926 E. Establishment consisting of individual dwelling units under the management
3927 of a single commercial or cooperative entity.

3928 F. Unit of property commonly referred to as a "condominium unit" and/or "unit
3929 property," subject to the requirements Title 25 of the Delaware Code, Chapter
3930 25.

3931 G. Property which is converted from ownership by a single commercial or
3932 cooperative entity or from any other form of ownership to condominium units
3933 shall comply with the requirements of this Article.

3934
3935
3936 **§ 110-46. Use of water on premises.**

3937 Use of water shall be confined to the premises named on the permit. No customer
3938 shall supply another with water, nor shall it be used for any purpose not listed on
3939 the permit application.

3940 **§ 110-47. Multiple water meters at one premise.**

3941 Any such dwelling, building or property as classified in § 110-45 of this Article may
3942 be supplied by two or more water meters, each of which, for billing by the County,
3943 shall be considered as being one customer account.

3944 **§ 110-48. Responsibility for costs of connection; indemnification of County.**

3945 A. All costs and expenses pertaining to the installation and connection of the
3946 water service pipe shall be borne by the property owner including any and all
3947 upgrades or extensions to the county's main related to the owner's request.

3948 B. The owners shall indemnify Sussex County from any loss or damage that may,
3949 directly or indirectly, be occasioned by the installation of the water service
3950 pipe or lack thereof.

3951 **§ 110-49. Protection from contamination.**

3952 The customers water supply system shall be designed installed and maintained in a
3953 manner that will prevent the contamination of the water supply. Requirements for
3954 such protection are given in the Technical Bulletin for Building Sewer and Water
3955 Service.

3956 **§ 110-50. Materials and methods for connection.**

3957 The connection of the water service pipe to the water meter and the size, alignment,
3958 materials of construction of the water service pipe and the methods to be used in
3959 excavating, placing of the pipe, jointing, testing and backfilling the trench shall all
3960 conform to the requirements of the Technical Bulletin for Building Sewer and Water
3961 Service.

3962 **§ 110-51. Responsibility for and control of water main connections.**

3963 The County shall inspect all connections to the water mains and maintain all water
3964 service lines from the water main to and including the curb cock and box or meter
3965 pit. The curb cock and box or meter pit shall be placed in back of the property line
3966 and shall be the property of the County and under its control. This inspection will
3967 require an open-trench visual inspection.

3968 **§ 110-52. Notification of readiness for inspection and connection.**

3969 The installing plumber shall give a required minimum 24-hour notice to the
3970 Engineer's office when the water service pipe is ready for connection, inspection and
3971 testing if deemed necessary. The connection shall be made under the supervision or
3972 approval of the Engineer.

3973 **§ 110-53. Restoration of service installations.**

3974 All excavations for water service pipe installations shall be backfilled as soon as
3975 possible after completion of the open trench inspection. Any pavement, sidewalks,
3976 and other public property disturbed in the course of the work shall be restored in a
3977 manner satisfactory to the County, and in compliance with any applicable DelDOT
3978 permits.

3979 **§ 110-54. Water meters.**

3980 A. All water meters belonging to the County shall be placed by the County and
3981 kept in repair, except that the owner of the building served shall be
3982 responsible for any damage caused by negligence of the owner or tenant and
3983 including their guest and or invitees. The Engineer shall determine, in each
3984 case of damage, the cause and cost of replacement or repair.

3985 B. No meter or bypass valve shall be disconnected from the pipes, moved,
3986 disturbed or have its seal broken by any person except an authorized employee
3987 of the County.

3988 C. The customer shall notify the Engineer's office of any injury to or cessation of
3989 registration of a meter, or meter pit assembly as soon as it comes to his or her
3990 knowledge.

3991 **§ 110-55. Discontinuance of service.**

3992 A. Water service may be discontinued, upon notice to the owner, his or her
3993 authorized agent or the occupant, for any of the following causes:

3994 1) Use of water for any purpose other than that described on the permit
3995 application.

3996 2) Willful waste of water through faulty pipes, fixtures or otherwise.

3997 3) Tampering with or damaging any service pipes, meters, seals or any other
3998 property of the County.

3999 4) Refusal of reasonable access to property for the purpose of inspections and
4000 maintenance and for failure to make provisions to afford the County access
4001 to the meter readout at least once every three months during regular
4002 County working hours.

4003 5) Making or refusing to sever any cross-connections between a pipe or
4004 fixture carrying water furnished by the County and a pipe or fixture
4005 carrying water from any other source.

4006 6) Nonpayment of water service charges and/or fines.

4007 7) Extending water pipes to other buildings without obtaining a proper
4008 permit.

4009 8) Failure to correct piping and fixtures in a water distribution system that
4010 could allow contamination of the water source.

4011 9) Violation of any regulation governing water service.

4012 B. Water service may temporarily be shut off by the County for any of the
4013 following reasons:

4014 1) Making alterations, repairs or inspections of water mains or pipes.

4015 2) In case of emergency such as fire, rupture during freezing conditions,
4016 contamination or any other reason for the general welfare.

4017 3) Removing the water meter for repair or testing.

4018 C. When the County discontinues water service for any reason, it does so without
4019 liability to such owner or occupant as may own or occupy the building to
4020 which such connection is made.

4021 D. No customer shall be entitled to recover for damages or to have any portion
4022 of the water charges refunded for any stoppage of water service.

4023 **§ 110-56. Public fire hydrants.**

4024 A. Public fire hydrants are installed and supplied with water for the express
4025 purpose of combating fires. Fire hydrant use is restricted to Fire Departments
4026 and those authorized by the Engineer.

4027 B. It shall be unlawful for any person to:

4028 1) Take water from a public fire hydrant, except for the purpose of combating
4029 fire, except with the approval of the Engineer.

4030 2) Have in possession any key to any fire hydrant, except such key as may be
4031 furnished by the County.

4032 3) Open a fire hydrant with any device except the proper key.

4033 4) Place or allow to be placed any vehicle, object or material within 15 feet
4034 of any fire hydrant which obstructs or restricts access to said fire hydrant.

4035 C. Temporary use of water may be supplied through a public fire hydrant for
4036 uses other than extinguishing fires by application for a use permit to the
4037 Engineer and payment of charges that may be stipulated if the application is
4038 approved by the Engineer. The applicant shall be responsible for any damage
4039 occasioned by the use of the fire hydrant or other appurtenance.

4040 D. The County does not assume any liability to parties receiving water service
4041 as an insurer of property or person, and the County does not guarantee any
4042 special service, pressure, capacity other than is permitted by the ordinary and
4043 changing operating conditions of the County as the same exist from day to
4044 day. The County shall be free and exempt from any claims for injury to any
4045 persons or property by reason of fire, water and failure to supply water
4046 pressure or capacity.

4047 **§ 110-57. Private fire service.**

4048 A. Any person desiring a private water supply from the County for the purpose
4049 of extinguishing fire or desiring to make alterations on an existing private fire
4050 service shall first make application to the Engineer and obtain approval of
4051 the private fire service and a permit to install or alter the same.

4052 B. All costs pertaining to the installation of a private fire service, including but
4053 not limited to tapping the public water main and piping to the property line,
4054 shall be borne by the applicant.

4055 C. A private service line shall be required for on-premises fire hydrants,
4056 automatic sprinklers or other fire service devices located inside a building or
4057 buildings, and such private service line is to be used exclusively for fire
4058 service.

4059 D. It shall be unlawful to use fire hydrants, automatic sprinklers or other fire-
4060 service appliances installed on a premise, building or buildings for any
4061 purpose other than for the extinguishment of fires.

4062 E. The County does not assume any liability to parties receiving water service
4063 as an insurer of property or person, and the County does not guarantee any
4064 special service, pressure, capacity other than is permitted by the ordinary and
4065 changing operating conditions of the County as the same exist from day to
4066 day. The County shall be free and exempt from any claims for injury to any
4067 person or property by reason of fire, water and failure to supply water
4068 pressure or capacity.

4069 F. The County shall set fees for the recovery of costs from specific customers
4070 utilizing the County's public water system availability for a private fire
4071 service. The applicable charges or fees shall be included in the schedule of
4072 fees adopted as part of the Annual Sussex County Budget.

4073 **§ 110-58. Water meter testing.**

4074 A. The quantity of water recorded by the meter shall be conclusive on both the
4075 customer and the County except when the meter has been found to be
4076 registering inaccurately or has ceased to register. In either case, the meter
4077 shall be promptly repaired or replaced by the County, and the quantity of
4078 water consumed shall be estimated by an average of previous readings of the
4079 meter when in good working order during as many as two recorded periods
4080 of the same period in previous years but in no case less than the minimum
4081 charge.

4082 B. In the case of a disputed account involving the accuracy of a meter, such meter
4083 shall be tested at the request of the customer in conformity with the provisions
4084 of the County water regulations. In the event that the meter so tested is found
4085 to have an error in registration in excess of 5% slow or fast, the bills shall be
4086 adjusted accordingly as provided in the aforesaid rules.

4087 C. When meters are removed after installation at the request of the customer for
4088 testing, the following rules shall apply: The County shall, upon a written
4089 request of a customer and, if he or she so desires, in his or her presence or
4090 that of his or her authorized representative, make a test of the accuracy of the
4091 meter. When a customer desires, either personally or through a
4092 representative, to witness the testing of a meter, he or she may require a meter
4093 to be sealed in his or her presence before removal, which seal shall not be
4094 broken until the test is made in his or her presence. if the meter so tested shall
4095 be found to be accurate within the limits herein specified, the cost for
4096 removing, testing and replacing the meter will be paid by the customer

4097 requesting such test, but if not so found, then the cost thereof shall be borne
4098 by the County.

4099 **Article VII. Building Sewers and Water Service Lines**

4100 **§ 110-59. Scope.**

4101 Any item not covered in this Article or the Technical Bulletin for Building Sewer and
4102 Water Service shall be evaluated on a case by case basis by the Engineer. The
4103 provisions of this Article shall apply to every water service pipe and building sewer
4104 installation connected to County-owned systems, including alterations, repairs and
4105 replacements.

4106 **§ 110-60. Purpose.**

4107 The purpose is to preserve the health, sanitation, safety and welfare by regulating
4108 installation and maintenance of plumbing in its scope and to promote utilization of
4109 durable, standardized materials, free from defects and sufficient to provide adequate
4110 service life.

4111 **§ 110-61. Licensing.**

4112 Before any person, firm or corporation shall engage in the business of installation,
4113 alteration or maintenance of any plumbing under the scope of this Article, he/she
4114 shall obtain a Master Plumber license from the State of Delaware.

4115 **§ 110-62. Permit required.**

4116 A. Any licensed plumber who desires to install and connect any work covered
4117 under the scope of this code shall first make application to the Sussex
4118 Engineer and obtain the required permit.

4119 B. Application for a permit shall be made by an applicant in the manner and
4120 method directed by the Engineer.

4121
4122 C. The application shall be signed by the licensed plumber or his or her
4123 authorized representative and the owner or the owner's representative of the
4124 building(s) to be connected. Signature of the application shall permit the
4125 County access to private property for inspection of the building sewer and/or
4126 water service.

4127 D. If the Engineer is satisfied that the work described in the application and
4128 attached exhibits meets all requirements and the applicant has no outstanding
4129 open permits in bad standing, a permit shall be granted allowing the work to
4130 proceed in accordance with the application.

4131 E. The applicant shall retain a copy of the approved permit at the job while work
4132 is in progress and the County shall retain the original as a permanent record.

4133 **§ 110-63. Installation by homeowner.**

4134 A. Any property and/or building owner is permitted to install a building sewer
4135 and/or water service pipe within the property boundaries, provided that such
4136 building sewer and/or water service pipe installation is done by
4137 himself/herself and is used exclusively by him/her or his/her family.

4138 B. Owner must obtain a permit from the Engineer's office and have the work
4139 inspected in accordance with the requirements of this Chapter

4140
4141 C. Owner shall retain a licensed plumber to comment on the suitability of the
4142 building drain vent as well as make the final connection of the building sewer
4143 and/or water service pipe to the County sewer and/or water system.

4144 **§ 110-64. Building sewers.**

4145 A. Building sewer material, size and installation requirements shall adhere to
4146 the Technical Bulletin for Building Sewer and Water Service.

4147 B. At least one cleanout shall be provided at the property line and one within (5)
4148 five feet of the structure to be served. Size and installation requirements shall
4149 adhere to the Technical Bulletin for Building Sewer and Water Service.

4150 C. Testing may either be performed as per the Technical Bulletin for Building
4151 Sewer and Water Service or as directed by the Engineer.

4152
4153 **§ 110-65. Protection of sewer system.**

4154 A. It shall be unlawful for any person or entity to deposit by any means into the
4155 building sewer in particular or the sewer system in general any material
4156 which, in the opinion of the Engineer, would or could obstruct, damage or
4157 negatively impact the County sewer system.

4158 B. No stormwater, surface water, groundwater, cooling water or other
4159 unpolluted water shall be discharged to the building sewer. Those drain
4160 connections not intended for but liable to permit the entrance of stormwater,
4161 such as outside surface level showers, shall not be connected to the building
4162 sewer. This does not prohibit the connection of an outside shower to the
4163 building sewer, provided that it is enclosed, covered and raised and/or
4164 protected by curbing to prevent the entrance of stormwater.

4165 C. Commercial or industrial wastes detrimental to the functioning of the sewer
4166 system and facilities shall meet the following minimum requirements:

4167 1) Interceptors shall be provided when, in the opinion of the Engineer they
4168 are necessary for the proper handling of liquid wastes containing
4169 grease, flammable wastes, sand and other ingredients harmful to the
4170 building drainage system, the public sewer or the facility processes.
4171 The size, type and location of each interceptor or separator shall be
4172 approved by the Engineer, and no wastes other than those requiring
4173 treatment or separation shall be discharged into any separator.

4174 2) Oil-water interceptors shall be required for all commercial, storage or
4175 repair garages; gasoline stations with grease racks, grease pits or
4176 wash racks; all car washes; and all factories which have oily and/or
4177 flammable wastes as a result of manufacturing, storage, maintenance,
4178 repair or testing operations.

4179 3) Sand filters shall be required whenever the discharge of a floor drain
4180 may contain liquids and/or solids potentially harmful to the sewer
4181 system. If sand filters are required they shall be discharging through
4182 an oil-water separator and shall be located upstream of the separator.

4183 4) Basket-type interceptors shall be required on commercial laundry
4184 wastes and shall be equipped with a removable and cleanable basket
4185 that will prevent passage into the drainage system of solids 1/2 inch or
4186 larger, string, rags or other materials detrimental to the sewer system.

4187 5) Basket- or special-type screening devices of not less than 14 mesh shall
4188 be required on food-processing waste streams downstream of the
4189 shredding equipment.

4190 D. All food-processing establishments discharging into the sewer system through
4191 a building sewer shall capture as much grease as possible within the confines
4192 of their business and not allow it to enter the sewer system. These
4193 establishments shall install, maintain, and use grease traps, grease
4194 interceptors or other comparable devices which represent the best practicable
4195 control technology for oil/grease removal.

4196 E. The Engineer is authorized to include technical guidelines related to the
4197 equipment specifications and discharge limits of fats, oil & grease in the
4198 Technical Bulletin for Building Sewers and Water Service.

4199 F. The Engineer may inspect all food-processing establishments for an
4200 unannounced inspection at any time during operating hours for confirmation
4201 of compliance.

4202 **§ 110-66. Water service pipe.**

4203 A. Material Type and Size

4204 1) See the Technical Bulletin for Building Sewer and Water Service.

4205 B. Disinfection of water service pipe.

4206 1) The Engineer may require that the water service piping be disinfected
4207 before it is placed in service if, in his judgment, such action is
4208 necessary.

4209 **§ 110-67. Protection of potable water supply.**

4210 A. The potable water shall be protected from contamination from any source.

4211 B. There shall be no cross-connection between the potable water service pipe
4212 and internal domestic distribution system and any other source of water.

4213 C. Any building supplied with water through a Sussex County water district shall
4214 have no other source outlet located within the building.

4215 D. Costs associated with any emergency, temporary water service disconnection
4216 and/or reconnection for protection of the system integrity in the opinion of the
4217 Engineer or the convenience of the property owner shall be compensated by
4218 the property owner at a onetime charge, per occurrence, which shall be

4219 included in the schedule of fees adopted as part of the Annual Sussex County
4220 Budget.

4221 **§ 110-68. Backflow prevention for buildings with fire service.**

4222 A backflow-prevention device shall be installed in the water service pipe to every
4223 building served by a separate fire service. The device shall be located within 5 feet
4224 of the exterior foundation wall and shall be accessible for service. As a minimum
4225 requirement, the backflow-prevention device shall consist of a manual shutoff valve
4226 followed by a spring-loaded check valve and a pressure-relief valve on the
4227 downstream side of the check valve. The pressure-relief valve drain shall be piped
4228 full size with no valve or trap to a location where emergency water spillage will
4229 create no problem.

4230 **§ 110-69. Abandoned septic tanks and cesspools.**

4231 Abandoned septic tanks and cesspools shall be made safe and harmless in
4232 accordance with the regulations of the State of Delaware Division of Environmental
4233 Control. County defers all inspection and enforcement action to the State.

4234 **§ 110-70. Abandoned wells.**

4235 Permanently abandoned wells shall be filled and sealed in accordance with the
4236 regulations of the State of Delaware Division of Environmental Control. County
4237 defers all inspection and enforcement action to the State.

4238 **§ 110-71. Inspections and testing.**

4239 A. Plumbing.

4240 1) All plumbing work installed under the scope of this code shall be inspected
4241 to ensure compliance with the code and assure that the installation is in
4242 accordance with the approved plans and permit.

4243 2) The installing plumber shall give a required minimum 24-hour notice to
4244 the Engineer's office when the installation is ready for connection,
4245 inspection and testing. The plumbing shall be deemed ready for connection
4246 to the sewer system, inspection and testing if the pipe is laid on grade and
4247 bedded to 1/3 of its diameter, joints are pushed home and connected to the
4248 building.

- 4249 3) Prior to inspection, the building sewer shall not be connected to the sewer
4250 system nor shall the water service pipe be connected to the water system
4251 without Engineer approval.
- 4252 4) The final system connection shall be made under the supervision and/or
4253 direction of the Engineer and will require an open trench visual inspection.
- 4254 5) The equipment, material and labor necessary for the inspection and testing
4255 shall be furnished by the installing plumber.
- 4256 6) The plumbing shall not be covered until it has been inspected, tested and
4257 approved; it shall be uncovered upon violation of the open trench
4258 inspection requirement.
- 4259 7) Upon the satisfactory completion and final test of the plumbing, a signed
4260 copy of the original permit will be issued signifying final completion.

4261 B. Building sewer testing.

- 4262 1) The building sewer shall be tested by insertion of a plug blocking the point
4263 of connection with the sewer system. The building sewer shall be filled with
4264 water to the level of the lowest trap, and the water shall not show a level
4265 drop for a period of 15 minutes.
- 4266 2) If the building sewer is approved, the final connection to the lateral shall
4267 be made in the presence of and/or at the direction of the Engineer, and the
4268 pipe trench shall be backfilled per the Technical Bulletin for Building
4269 Sewer and Water Service.
- 4270 3) The building sewer may be connected to the system prior to the test,
4271 provided that said connection is made only in the presence of and at the
4272 direction of the Engineer.

4273 C. Water service pipe.

- 4274 1) The water service pipe shall be tested and proved tight under a pressure
4275 not less than the working pressure under which it is to be used. The water
4276 used for the test shall be potable water from the house service connection
4277 and shall be supplied to the water service pipe only in the presence of and
4278 at the direction of the Engineer.

4279 2) If the water service connection is approved, the trench shall be backfilled
4280 per the Technical Bulletin for Building Sewer and Water Service.

4281 **Article VIII. Inspectors**

4282 **§ 110-72. Right of entry.**

4283 The Engineer and other duly authorized employees of the County in regulating,
4284 constructing or inspecting water and sewer districts, Facility operation and
4285 maintenance or any other matter over which he or she has jurisdiction pursuant to
4286 this Chapter and Title 9 of the Delaware Code shall be permitted to enter all private
4287 or public properties for the purpose of inspection or determining whether a violation
4288 exists of an enforceable statute or regulation. Access shall be permitted upon giving
4289 verbal notice and after presenting official identification to the owner, occupant,
4290 custodian or agent of said property.

4291 **§ 110-73. Entry and work on easements.**

4292 The Engineer and other duly authorized employees, agents, consultants and/or
4293 contractors of the County bearing proper credentials and identification shall be
4294 permitted to enter all private properties through which the County holds a duly
4295 negotiated easement for the purposes of but not limited to inspection, observation,
4296 measurement, sampling, repair and maintenance of any portion of the improvements
4297 lying within said easement. All entry and subsequent work, if any, within said
4298 easement shall be done in full accordance with the terms of the duly negotiated
4299 easement agreement pertaining to said private property.

4300 **Article IX. Penalties**

4301 **§ 110-74. Violations and penalties.**

4302
4303 A. Any person or entity found to be violating or in violation of any provision of
4304 Article III, shall be fined not less than \$100 nor more than \$1,000 for each
4305 violation.

4306 B. Any person or entity found to be violating or in violation of Article V shall be
4307 served by the County with written notice stating the nature of the violation
4308 and providing a time limit, not to exceed 30 days, for the satisfactory
4309 correction thereof. The offender shall, within the period of time stated in such
4310 notice, permanently cease all violations.

4311 C. Any person or entity who continues any violation as covered in Subsection A
4312 of this section or who continues any violation covered in Subsection B of this
4313 section beyond the time limit provided shall be fined not less than \$100 nor
4314 more than \$1,000 for each day in which any such violation shall continue.

4315 **§ 110-75. Liability for expenses caused by violation.**

4316 Any person violating any of the provisions of this Chapter shall become liable to the
4317 County for any expense, loss or damage occasioned the County by reason of such
4318 violation.

4319 **§ 110-76. Civil action.**

4320
4321 Notwithstanding § 110-74C, equitable relief may be sought by the filing of a civil
4322 action in the Court of Chancery to initiate an injunction, mandamus, abatement or
4323 any other appropriate action. The laws of the State of Delaware shall regulate civil
4324 proceedings relevant to this Chapter.

4325 **Article X. Sewer System Expansion Procedures**

4326 **§ 110-77. Authorization for extensions; responsibility for costs.**

4327 A. For a property or properties located within the Unified Sanitary Sewer District
4328 the County may permit, upon written application and execution of a project
4329 construction agreement, the construction of improvements to, or expansion of,
4330 the sanitary sewer system where no existing sewer service is available.

4331 B. The developer of such a property requesting the construction of a standalone
4332 sewer system or the extension of the existing sewer system shall pay all direct
4333 and indirect costs of the improvements to be constructed including but not limited
4334 to wastewater collection, local transmission and, if applicable, a proportion of
4335 regional wastewater transmission and treatment upgrades required to serve the
4336 proposed development property.

4337 C. All construction performed by the developer shall be inspected for compliance
4338 with the project construction permit by the Engineer or by a consulting engineer
4339 selected by the County. The County shall set fees for the recovery of costs for said
4340 inspection services which shall be set during the annual Sussex County Budget
4341 process.

4342

4343 D. All construction shall conform to the Sussex County Standards and Specifications
4344 issued by the Engineer. The standards may be amended from time to time by the
4345 Engineer to reflect changing trends in material, equipment and construction
4346 techniques. Amendments shall be effective immediately upon posting on the
4347 County website.

4348
4349 E. In the case where a standalone sewer system or the extension of the existing sewer
4350 system connects to an established area with available collection and
4351 transmission capacity previously funded by the County a Use of Existing
4352 Infrastructure Agreement shall be required as outlined in Article XIV.

4353
4354 **§ 110-78. Sewer system design and easements acquisition.**

4355 A. All easement acquisitions necessary for the construction of a standalone
4356 sewer system or the extension of the existing sewer system shall be at the sole
4357 expense of the developer.

4358 B. The developer shall be required to provide all improvements adequately sized
4359 to serve the proposed residential/commercial development and all tax parcels
4360 which were created from the original base parcel via minor subdivision(s).
4361 Provisions shall be made to extend sewer service, at a minimum slope, to the
4362 property line of all these adjoining parcels regardless of ownership or
4363 control.

4364 C. In general, sewer lines shall be designed for the estimated contributory
4365 number of residential and/or commercial equivalent dwelling units (EDUs) to
4366 be served in the future based on zoning at the time of design plus a 10%
4367 allowance for future infill up-zoning in the sewer the basin. Provided,
4368 however, that such capacity determinations shall not be indicative of future
4369 zoning or land use decisions.

4370
4371 D. The design of extensions to existing sanitary sewage collection systems shall
4372 be based on site specific flow data if adequate records are available. If no
4373 flow records are available, or when new systems are being established, the
4374 average flow design criteria shall not be less than 250 GPD per equivalent
4375 dwelling unit (EDU) or 175 GPD per manufactured home berthing space.

4376
4377 E. Gravity sewer mains and pump stations shall be designed using a peak flow
4378 equivalent based on the following equation:

4379

4380
$$Q_{max} / Q_{avg} = (20+2 [EDU/10]^{0.5}) / (5+2 [EDU/10]^{0.45})$$

4381
4382 where: Q_{max} = Maximum rate of sewage flow and Q_{avg} = Average daily
4383 sewage flow

4384
4385 F. All gravity sewers with three or more branch sewer connections shall be
4386 designed at minimum slope and maximum depth. This requirement shall apply
4387 to all sewers serving adjoining parcels regardless of the number of branch
4388 sewer connections.

4389 **§ 110-79. Project construction agreement.**

4390 Prior to the commencement of any construction of water or sanitary sewer facilities,
4391 the developer shall execute the standard County project construction agreement.
4392 Said agreement shall not be issued until the following requirements have been met
4393 by the developer:

4394 A. Submission of plans and specifications for the proposed construction certified
4395 by a registered professional engineer, with said plans and specifications being
4396 subject to approval by the County.

4397 B. Submission of a letter of application and affirmation of cost for review and
4398 approval by the County.

4399 C. Submission of evidence that all required off-site easements have been
4400 acquired and recorded.

4401 D. Payment of a construction, administration and inspection fee. This fee shall
4402 be set during the annual Sussex County Budget process.

4403 E. Payment of fees for the engineering design review. This fee shall be set during
4404 the annual Sussex County Budget process.

4405 **§ 110-80. Conveyance of title and interest to County.**

4406 Upon completion of construction of the water or sanitary sewer improvements and
4407 final approval of the same by the County, the developer shall convey all of its right,
4408 title and interest in and to said water and/or sewer improvements to the County, free
4409 and clear of any and all liens, claims, charges and encumbrances attaching thereto.
4410 Said transfer of the right, title and interest in and to said water or sewer

4411 improvements shall be accomplished by such documentation as the County Attorney
4412 shall deem necessary and appropriate.

4413 **Article XI. Sewer and Water Assessments**

4414 **§ 110-81. Annual assessment roll.**

4415 A. The Sussex County Council each year shall, after a public hearing, establish
4416 an annual assessment roll for the sanitary sewer or water districts, which
4417 shall be known as the "sanitary sewer assessment" or "water assessment."

4418 B. Notice of the public hearing shall state that the assessment roll has been
4419 completed and filed and that, at the time and place fixed for the public
4420 hearing, the County Council will meet and hear and consider any objections
4421 which may be made to the assessment roll. Notice of the public hearing shall
4422 be published in a newspaper published within Sussex County and having a
4423 general circulation in the County once in each of the two weeks immediately
4424 preceding the week in which the public hearing is to be held.

4425 C. After holding the public hearing, the County Council may change or amend
4426 the assessment roll as it deems necessary or may confirm and adopt the
4427 assessment roll as originally proposed or as amended and changed.

4428 **§ 110-82. Annual assessment fees.**

4429
4430 The annual sanitary sewer assessment fee and/or annual water assessment fee may
4431 be established for each area of the Unified Sanitary Sewer District and or water
4432 district. Annual assessment fees shall be based on a proportion, as determined by
4433 the County, of the total amount required each year to reimburse the County for sums
4434 to be expended for retiring bonds and/or notes which have been issued or capital
4435 expenditures for a sanitary sewer district area or a water district to design, acquire
4436 and construct a respective sewer collection and local transmission system or a
4437 respective water system. Unless otherwise determined by the County as part of the
4438 approval of its annual assessment roll, the method of determining the assessment fee
4439 shall be based upon the method established at the time the property was
4440 incorporated into a sanitary sewer district or water district pursuant to Title 9 of the
4441 Delaware Code, as follows:

4442 A. Where EDUs are established as the method of determining assessment fees,
4443 the amount required from dwellings, structures or other establishments or

4444 facilities to which EDUs are assigned pursuant to this chapter shall be based
4445 upon the number of EDUs allocated to the property as determined in Article
4446 XII of this Chapter and the amount to be recovered by the assessment as
4447 determined by the County. Provided, however, that undeveloped residential
4448 lots shall be assessed with one EDU; once the property is improved or further
4449 subdivided, the number of EDUs allocated shall be as determined in Article
4450 XII of this Chapter and the amount to be recovered by the assessment as
4451 determined by the County.

4452 B. Where a front footage calculation is established as the method of determining
4453 assessment fees, the amount required from each property shall be equally
4454 proportioned to the assessable front footage.

4455 C. All properties that are located in the Unified Sanitary Sewer District or a
4456 water district as of January 1, 2018 shall continue to be assessed based upon
4457 the assessment methodology applied at that time, unless otherwise determined
4458 by the County as part of the approval of its annual assessment roll.

4459 **§ 110-83. System connection charge.**

4460 A. The County shall assess a onetime sewer System Connection Charge for
4461 financing future expansion and/or replacement of sewage transmission as
4462 well as treatment and disposal projects. The sewer system connection charge
4463 shall be proportioned between transmission and treatment, as determined by
4464 the County, of amounts sufficient to compensate the County for all or a
4465 proportion of the capital costs required to plan, design, acquire, construct or
4466 replace said facilities.

4467
4468 B. The County shall assess a onetime water System Connection Charge for
4469 financing future expansion and/or replacements of water supply, treatment
4470 and storage systems. The water system connection charge shall be
4471 proportioned between water system components, as determined by the
4472 County, of amounts sufficient to compensate the County for all or a proportion
4473 of the capital costs required to plan, design, acquire, construct or replace said
4474 facilities.

4475
4476 C. The County shall set the water and sewer system connection charges during
4477 the annual Sussex County Budget process.
4478

4479 D. The connection charge shall apply to each dwelling(s) or building(s) located
4480 on a parcel, and to all other establishments to which EDUs are assigned
4481 pursuant to Article XII of this Chapter.

4482
4483 E. The connection charge shall be applicable, but not limited to, the following
4484 scenarios where water and/or sewer facilities owned or contracted by the
4485 County are utilized:

4486
4487 1) To all new connections in an existing water or sanitary sewer area
4488 including entities exempt from payment of water or sanitary sewer
4489 assessments pursuant to § 110-86.

4490 2) In an existing water or sanitary sewer area where service was previously
4491 technically not available.

4492 3) In an existing or new water or sanitary sewer area when a structure is
4493 expanded or reconstructed to the extent that the revised number of EDUs
4494 exceed the EDU assignment prior to such expansion or reconstruction.

4495
4496 F. EDUs assigned to dwellings, structures or any other establishments subject
4497 to the connection charge shall be based upon the number of EDUs as
4498 determined in Article XII. Any increase in the number of EDUs shall result
4499 in the assessment of additional system connection charge(s).

4500
4501 G. The connection charge provided for herein shall be in addition to all other
4502 charges and assessments made in connection with the furnishing of water
4503 and/or sewer service and shall be billed and payable in a manner determined
4504 by the County.

4505
4506 H. The connection charge shall be a lien on the property and shall be collected
4507 by the County as are other County taxes. The properties against which such
4508 connection charges are levied shall be liable for the payment of the connection
4509 charges in the same manner as they are liable for other County taxes.

4510
4511 **§ 110-84. Front footage measurements.**
4512 Front footage measurements for collection/distribution and transmission/ treatment
4513 purposes shall be completed for every assessable parcel in each district/area, if
4514 assessed on a front footage basis.

4515 A. Front footage for every assessable parcel in each district shall be computed
4516 by the procedures enumerated:

4517 1) Where the parcel contains two or more previously recorded lots, the front
4518 footage measurement for the parcel shall be the total of the front footage
4519 measurements of those lots within the parcel, except that, where two or
4520 more adjacent lots are set apart and occupied and used for the same
4521 purpose, the front footage measurement shall be determined by the total
4522 measurements of the lots set apart.

4523 2) A parcel in a street with one side only fronting the street shall be assessed
4524 the total front footage.

4525 3) A parcel on two or more streets shall be assessed the total front footage of
4526 the shortest side of the parcel.

4527 4) A parcel is a parcel fronting two or more streets when the angle of the
4528 extended street center line is 135° or less, and it shall be assessed as a
4529 parcel on two or more streets.

4530 5) A parcel abutting water shall be assessed on deed dimension or as
4531 measured on the Official Sussex County Property Map.

4532 6) A parcel on a cul-de-sac shall be assessed the total front footage.

4533 7) Where a parcel configuration contains an arc, the length of the arc shall
4534 be used as front footage measurements. When an arc forms a parcel
4535 corner, the center of the measured arc shall constitute the corner.

4536 8) When a parcel has an easement across it by any public authority, the
4537 easement shall have no bearing on the assessment. When a parcel has a
4538 right-of-way across it by any public authority, the right-of-way shall be
4539 deducted from the parcel dimension.

4540 9) In no case shall a parcel or other individually owned property be assessed
4541 less than 40 feet. The County as part of the annual budget process may
4542 choose to place a cap on the front footage of parcels improved with only
4543 one single family residential structure.

4544
4545 10) Where a parcel contains multiple living units or building(s) and/or
4546 dwelling(s) with a number of assigned equivalent dwelling units greater
4547 than one, which is served by a County sewage or water system, the parcel

4548 shall be assessed on the assessable footage of streets within the parcel and
4549 abutting the public street or the number of assigned equivalent dwelling
4550 units times 40, whichever is greater. This calculation shall not apply to
4551 parcels improved with only one single family residential structure.
4552

4553 11) A parcel shall be considered irregular in shape when the area of the
4554 parcel is in proportion less than half of the area of a rectangular- or
4555 square-shaped parcel having the same actual total front footage dimension
4556 and the same maximum depth dimension as the parcel being considered as
4557 irregular in shape. The maximum depth dimension shall be measured
4558 perpendicular to the actual total front footage dimension and shall not be
4559 located for any portion outside of the physical boundaries of the parcel
4560 being considered as irregular in shape. An irregular-shaped parcel shall
4561 be assessed a total footage assessment equal to the area of the parcel
4562 divided by the maximum depth of the parcel as defined herein.
4563

4564 12) Parcels designated as State or federal wetlands and requiring a proper
4565 permit prior to being improved shall not be assessed until such time as a
4566 permit is obtained.
4567

4568 13) Any parcel reduced in size, by reason of acquisition by public authority,
4569 beyond the required minimums under the respective zoning for a structure
4570 to be built shall not be assessed.
4571

4572 **§ 110-85. Collection of assessment fees.**

4573 A. The annual sanitary sewer assessment fee or water assessment fee shall be a lien
4574 on the property and shall be collected by the County government as are other
4575 County taxes. The properties against which such assessments are levied shall be
4576 liable for the payment of the assessments in the same manner as they are liable
4577 for other County taxes, and subject to the same collection procedures as set forth
4578 in Chapter 67 of Title 9 of the Delaware Code.

4579 B. A parcel, whether vacant or occupied, shall become liable for a sanitary sewer
4580 assessment fee or water assessment fee when a connection from the main sewer
4581 or water main is or can be made to the parcel.

4582 C. The annual sanitary sewer assessment fee or the annual water assessment fee
4583 shall be set by the County during the annual Sussex County budget process, or

4584 as amended and changed for new areas, billed and collected on a regularly
4585 scheduled basis as established by the County.

4586 **§ 110-86. Property exempt from assessment.**

4587
4588 A. No assessment shall be made against any property during the period in which
4589 it is not subject to taxation and assessment for County and municipal
4590 purposes.

4591 B. No assessment shall be made against that portion of a parcel during the
4592 period in which the portion qualifies for agricultural, horticultural or forest
4593 uses as more fully defined by 9 Del. C. §§ 8330 through 8337, inclusive.
4594 Should that portion of a parcel no longer qualify for such agricultural,
4595 horticultural or forest uses, then the connection charges more fully defined in
4596 § 110-83 of this Chapter shall be levied as a result of and for the period of the
4597 exemption.

4598 **§ 110-87. Adjustment of assessment.**

4599 A. In the case where a proposed County sanitary sewer or water area includes
4600 parcels wherein sanitary sewer or water systems have been previously
4601 constructed under the authority of municipalities, corporations or individuals,
4602 discretionary adjustments, as determined by the County Engineer may be
4603 made with each property owner for costs incurred by the property owner when
4604 those sewers and water systems were constructed. Provided, however, that
4605 no adjustment shall be made for sewer and water systems constructed more
4606 than five years prior to the district area expansion approval by County
4607 Council.

4608 B. Where a condition on which an original assessment was based on changes,
4609 such as parcel division, street construction or construction of multiple-
4610 dwelling buildings, then that parcel will be reassessed and liable for the
4611 revised assessment.

4612 **Article XII. Service Charges**

4613 **§ 110-88. Establishment of annual service charges; determination of amount of**
4614 **charge.**

4615 A. A county wide unified sanitary sewer service charge or an individual water
4616 service charge shall be established each year for the Unified Sanitary Sewer

4617 District and any water district respectively. The County shall set the service
4618 charges during the annual Sussex County Budget process.

4619 **B. Sufficiency of charges.**

4620 1) The sanitary sewer service charge shall be sufficient to reimburse the
4621 County for sums to be expended for operating, maintaining and improving
4622 the sewer system and for a proportion, as determined by the County, of
4623 sums to be expended for retiring bonds which have been issued for
4624 planning, designing, acquiring and constructing the sewer treatment and
4625 transmission systems.

4626 2) The water service charge shall be sufficient to reimburse the County for
4627 sums to be expended for operating, maintaining and improving the water
4628 system and for a proportion, as determined by the County, of sums to be
4629 expended for retiring bonds which have been issued for planning,
4630 designing, acquiring and constructing the water system.

4631 **C. The amount required each year for sewer or water service charges shall be**
4632 **based upon the equivalent dwelling units defined hereafter and upon the**
4633 **provisions of this Chapter.**

4634 **D. One equivalent dwelling unit (EDU) shall be equal to 250 GPD in discharge**
4635 **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</u> | <u>1.0</u> |
| <u>1 or more baths and 2 or more bedrooms separate from kitchen</u> | |
| <u>Any manufactured home (with a Motor Vehicle title) with 1 kitchen</u> | <u>1.0</u> |
| <u>and 1 or more baths</u> | |
| <u>Apartment, condo or rental vacation cottage having</u> | <u>0.75</u> |
| <u>either a single combined living space with an integrated kitchen</u> | |
| <u>or a maximum of 2 bedrooms and having 1 bath</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>1.0/2,500 ft²</u> |
| | <u>1.0 minimum per building</u> |
| <u>Laundromat, 250 GPD/washer</u> | <u>6.0 minimum</u> |

4653
4654 Office units, 0.25 GPD/SF 1.0/1,000 ft²
4655 1.0 minimum per building
4656

4657 Car wash
4658 Self-service 1.0 per stall
4659 Self-service and recycling water 0.2 per stall
4660 Semi-automatic (mechanical without conveyor) 5.0 per stall
4661 Semi-automatic (mechanical without conveyor) conserving and 1.2 per stall
4662 recycling water
4663 Automatic with conveyor 33.0 per lane
4664 Automatic with conveyor conserving and recycling water 13.6 per lane
4665

4666 E. The Engineer may adjust the EDU assessment for commercial laundromats
4667 or commercial car washes based on specific water conservation equipment to
4668 be installed utilizing equipment manufacturer's specifications.
4669

4670 F. Establishments listed below shall be assigned equivalent dwelling units as
4671 multiples of one equivalent dwelling unit (EDU). A minimum of one equivalent
4672 dwelling unit will be assigned per account.

4673 1) Churches and attached facilities and buildings.

4674 2) Fire stations.

4675 3) Convention halls and public gathering places.

4676 4) Municipal buildings.

4677 5) Bus stations and other public depots.

4678 6) Marinas without public access to restrooms.

4679 G. One equivalent dwelling unit shall be equal to six fixture units. For assessment
4680 purposes, plumbing fixtures shall be assigned units as follows:

4681 a) Sinks:

4682 (1-bin): one fixture unit.

4683 (2-bin): two fixture units.

- 4684 (3-bin): three fixture units
- 4685 Mop sink or service sink: one fixture unit.
- 4686 Shampoo sink: two fixture units.
- 4687 b) Lavatory: one fixture unit.
- 4688 c) Toilet: two fixture units.
- 4689 d) Bath and shower: one fixture unit.
- 4690 e) Flush urinal: one fixture unit.
- 4691 f) Domestic dishwasher: one fixture unit.
- 4692 g) Commercial dishwasher: three fixture units.
- 4693 h) Drinking fountain: one fixture unit.
- 4694 i) Domestic washing machine: one fixture unit.
- 4695 j) Faucet: one fixture unit.
- 4696 k) Floor/trench drain: one fixture unit.

4697

4698 H. Establishments listed below shall be assigned equivalent dwelling units

4699 (EDUs) as a fixed number of equivalent dwelling units plus a number of

4700 equivalent dwelling units based on the number of fixture units (FU's).

| 4701 <u>Type of Establishment</u> | <u>Number of EDUs</u> |
|---|-------------------------------|
| 4702 <u>Drive-in food service</u> | <u>1 EDU + FU/6 EDUs</u> |
| 4703 <u>Delicatessen, eat-in and take-out</u> | <u>1 EDU + FU/6 EDUs</u> |
| 4704 <u>Bars and lounges with no food service</u> | <u>1 EDU/150 seats + FU/6</u> |
| 4705 <u>Restaurants and eating places, including combination eat-in</u> | <u>1 EDU/50</u> |
| 4706 <u>seats + FU/6 EDUs</u> | |
| 4707 <u>and take-out and eating places with bar(s)</u> | |
| 4709 <u>Gas station without service bay</u> | <u>1 EDU + FU/6 EDUs</u> |
| 4710 <u>Service station with up to 2 bays and no gas service</u> | <u>1 EDU + FU/6</u> |
| 4711 <u>EDUs</u> | |
| 4712 <u>Each additional service bay over 2</u> | <u>0.5 EDUs</u> |

| | | |
|------|--|-------------------------------|
| 4713 | <u>Grocery Stores</u> | <u>1 EDU + (#FUs/6)</u> |
| 4714 | <u>Convenience Stores</u> | <u>1.0 EDU + (#FUs/4)</u> |
| 4715 | <u>Marina without boat waste-pumping facilities</u> | <u>1 EDU/200 boat slips +</u> |
| 4716 | | <u>FU/6 EDUs</u> |
| 4717 | <u>Marina with boat waste-pumping facilities</u> | <u>1 EDU/100 boat slips +</u> |
| 4718 | | <u>FU/6 EDUs</u> |
| 4719 | <u>Campgrounds and recreational vehicle parks with</u> | <u>1 EDU/4 sites + FU/6</u> |
| 4720 | <u>EDUs</u> | |
| 4721 | <u>waste-handling and/or water facilities</u> | |
| 4722 | | |
| 4723 | <u>Campgrounds and recreational vehicle parks without</u> | <u>1 EDU/8 sites +</u> |
| 4724 | <u>FU/6 EDUs</u> | |
| 4725 | <u>waste-handling and water facilities</u> | |
| 4726 | | |
| 4727 | <u>Theaters, indoor</u> | <u>1 EDU/60 seats</u> |
| 4728 | | |
| 4729 | <u>Theaters, outdoor</u> | <u>1 EDU/30 spaces</u> |
| 4730 | | |
| 4731 | I. <u>Equivalent dwelling units shall be assigned to establishments not covered</u> | |
| 4732 | <u>above to assure that each establishment, in the opinion of the Engineer, is</u> | |
| 4733 | <u>given a reasonable assignment compatible with each establishment.</u> | |
| 4734 | J. <u>If an establishment does not have any physical improvements which have a</u> | |
| 4735 | <u>load-producing effect on the water system or the sewer system, then its</u> | |
| 4736 | <u>number of equivalent dwelling units assigned shall be zero.</u> | |
| 4737 | K. <u>The number of EDUs assigned to an establishment may be changed if there is</u> | |
| 4738 | <u>a change in any of the considerations, such as size or use of facilities, used in</u> | |
| 4739 | <u>assigning the EDUs originally.</u> | |

4741 **§ 110-89. Basis for water service charge.**

- 4742 A. In the form and content determined to be appropriate by the County, the water
- 4743 service charge shall be developed based upon consideration of such factors
- 4744 as volume, capacity or peak rates of water use and the number of equivalent
- 4745 dwelling units assigned to the users of the water system.

4746 B. Where a property subject to a water service charge is equipped with a water
4747 meter, the portion of the service charge related to water consumption may be
4748 based on or computed on the consumption of water as indicated by the water
4749 meter. For properties not served by a water meter or where metered water
4750 consumption is not known, an estimated quantity of water use associated with
4751 the number of equivalent dwelling units assigned to the property shall be used
4752 in lieu of metered water consumption.

4753 **§ 110-90. Basis for sewer service charge.**

4754 A. In the form and content determined to be appropriate by the County, the
4755 sewer service charge shall be developed based upon consideration of such
4756 factors as volume, capacity or peak rates of flow, sewage strength and the
4757 number of equivalent dwelling units assigned to the users of the Unified
4758 Sanitary Sewer District.

4759 **§ 110-91. Collection of service charges.**

4760 A. The sanitary sewer service charge or the water service charge shall be
4761 billed and collected on a regularly scheduled basis established by the
4762 County.

4763 B. A sanitary sewer service charge or a water service charge shall apply to
4764 any person or entity with a direct or indirect connection to the respective
4765 system for the use of said services.

4766 C. A sanitary sewer service charge or a water service charge shall be charged
4767 to any person or entity contracting for direct or indirect connection with
4768 or the use of services of the respective sewer or water system. Such sanitary
4769 sewer service charges or water service charges shall be charged to and
4770 collected from the owner or occupant, or both of them, of any real property
4771 which directly or indirectly is or has been connected with the respective
4772 sewer or water system. The owner or occupant, or both of them, of any
4773 such real property shall be liable for and shall pay such respective sanitary
4774 sewer service charges or water service charges to the County.

4775 D. Any improved property with physical access to the sewer and/or water not
4776 connecting to the County's sewer and/or water system after the time
4777 allotted for connection as dictated in the official connection letter shall be
4778 subject to an availability fee expressed in a percentage of the annual

4779 service charge. The County shall set the percentage associated with the
4780 service availability fee during the annual Sussex County Budget process.

4781 **§ 110-92. Failure to pay charges when due.**

4782 A. In the event that a service charge with regard to any parcel of real property
4783 is not paid as and when due, interest shall accrue and be due to the County
4784 on the unpaid balance at the rate of 1% simple interest per month or any
4785 fraction thereof until the service charge and interest thereon shall be fully
4786 paid to the County.

4787 B. In the event that a service charge with regard to any parcel of real property
4788 is not paid as and when due, the County government may, in its discretion,
4789 enter upon such parcel and cause the connection thereof leading directly or
4790 indirectly to the sewerage or water system to be cut and shut off until the
4791 service charge and any subsequent service charges with regard to such parcel
4792 and all interest accrued thereon are fully paid.

4793 **§ 110-93. Additional sewer laterals or water services.**

4794
4795 A. If a parcel encompasses two or more adjoining lots or multiple structures
4796 occupied and used for the same purpose, the owner of said parcel may request
4797 additional sewer lateral(s) or water service(s).

4798 B. The charge for such additional sewer lateral(s) or water service(s) shall be
4799 set by the County and shall reflect actual cost of contractual labor and
4800 material plus County cost associated with administration and inspection.

4801 C. The charges shall be billed based on the estimated cost of the proposed scope
4802 of work and due prior to commencement of the actual construction. At the time
4803 of completion, the charges will be adjusted with any additional costs due
4804 immediately or refunds issued promptly.

4805 D. All charges for work performed by the County under this section shall be
4806 considered liens on the property, and the County shall reserve the right to
4807 refuse any additional work to such properties until all liens have been
4808 satisfied.

4809 **Article XIII. Appeals**

4810 **§ 110-94. Appeals to Board of Assessment Review.**

4811 A property owner may appeal any assessment measurement or equivalent dwelling
4812 unit assignment to the Board of Assessment Review.

4813 A. The Board shall hear the appeal from any property owner who alleges that
4814 his property has been incorrectly measured for the purpose of sanitary sewer
4815 or water assessment or incorrectly assigned equivalent dwelling units for the
4816 purpose of a sanitary sewer or water service charge.

4817 B. Following the hearing of any property owner and, in the light of the facts
4818 produced at such hearing, the Board shall determine whether the front
4819 footage measurement or the equivalent dwelling unit assignment is correct.
4820 Should the Board find that the front footage measurement or equivalent
4821 dwelling unit assignment is incorrect, the Board shall order the Engineer to
4822 correct the front footage measurement or equivalent dwelling unit
4823 assignment.

4824 **§ 110-95. Judicial review.**

4825 Nothing herein shall be construed as limiting the right of a property owner to appeal
4826 to the courts in connection with the front footage measurement or equivalent
4827 dwelling unit measurement as provided by law.

4828 **Article XIV. Use of County Funded Sewer Capacity**

4829 **§ 110-96. Purpose.**

4830 A. This Article covers the third-party developer use of available, County funded
4831 sewer collection and/or transmission capacity within the Unified Sanitary
4832 Sewer District.

4833
4834 B. Utilization of County funded spare sewer collection and/or transmission
4835 capacity shall require a financial catch-up contribution towards the overall
4836 debt reduction of the Unified Sanitary Sewer District and/or future capital
4837 improvements in the Unified Sanitary Sewer District

4838 **§ 110-97. Requirement of Infrastructure Use Agreements.**

4839 A. If a developer and/or an individual property owner request to utilize
4840 available, existing sewer system capacity within the Unified Sanitary Sewer
4841 District, a financial catch-up contribution shall be required based on the

4842 percentage of flow, as defined in a Sewer Service Concept Evaluation (SSCE)
4843 associated with said request and agreed upon in an Infrastructure Use
4844 Agreement.

4845
4846 B. If one or more person or entity requests to design, construct and jointly utilize
4847 future sewer infrastructure capacity of the Unified Sanitary Sewer District at
4848 different times, financial catch-up contributions shall be required based on
4849 the respective percentages of flow, as defined in the SCCE associated with
4850 said requests. Percentages of the catch-up contributions shall be based on
4851 existing zoning at the time of initial development agreed upon in individual
4852 Infrastructure Use Agreements.

4853
4854 C. If the County initiates and pays for all, or participates financially in part, of
4855 the construction of future sewer infrastructure, then the associated cost for
4856 the capacity expansion shall be subject to developer reimbursement in
4857 addition to catch up contributions for already existing downstream
4858 infrastructure as agreed upon in an individual Infrastructure Use Agreement.
4859 Costs allocated to future developers shall be reimbursed to the County as a
4860 condition of plot plan recordation or site plan approval, whichever applies.

4861
4862 D. The sewer infrastructure constructed in this process whether publicly or
4863 privately funded shall be legally and technically available to all property
4864 owners in said Area of the Unified Sanitary Sewer District. Availability of
4865 sewer service shall be as defined in the DNREC regulations governing the
4866 design, installation, and operation of on-site wastewater treatment and
4867 disposal systems.

4868

4869 **Article XV. Connection of Scattered Parcels**

4870 **§ 110-98. Authority of County Engineer.**

4871 The Engineer may grant connections to scattered parcels at the equivalent dwelling
4872 unit (EDU) density of the abutting property, but in no instance at an EDU density
4873 exceeding 12 EDUs per acre.

4874 **§ 110-99. Conditions for grant of connections.**

4875 The connection for scattered parcels may be granted by the Engineer only upon a
4876 study and a written determination that the proposed connection will not overload
4877 the capacity of existing sewer system, taking into account the full development
4878 capacity of the other parcels within the area encompassed.

4879 **Article XVI. Sanitary Sewer and Water Districts**

4880 **§ 110-100. Absentee voting.**

4881 This Article shall provide that those qualified voters of a proposed sanitary sewer
4882 and/or water district established, or being established, pursuant to Chapter 65, Title
4883 9, of the Delaware Code, who shall be unable to appear to cast their ballots at the
4884 polling place at any such election may be able to cast such a ballot to be counted in
4885 the district, if such a privilege has been granted to them herein.

4886 **§ 110-101. Eligibility for voting by absentee ballot.**

4887 Any qualified voter of the sanitary sewer and/or water district may cast his vote by
4888 absentee ballot if he or she is unable to appear at the designated polling place or
4889 places due to the reasons stated in Delaware Code, Title 15 §5502.

4890 **§ 110-102. Affidavit required.**

4891 A. Any voter desiring to receive an absentee ballot because he qualifies under any
4892 of the reasons set forth in §5502 (4,5 or 6) shall file an affidavit with the Sussex
4893 County Engineering Department, subscribed and sworn to by him/her before an
4894 officer authorized by law to administer oaths. The affidavit shall be dated not
4895 more than 90 days prior to the day of the election. It shall state the reason why
4896 he or she cannot appear at the designated polling place on the day of the election,
4897 his or her birthdate, social security number and expected location, including
4898 address and telephone number (if available) to be used for the purpose of
4899 challenge on election day. The Engineering Department shall mail or deliver the
4900 official ballot, envelope and instructions to the voter as soon as possible after
4901 receiving the affidavit.

4902 B. Any voter desiring to receive an absentee ballot because he qualifies under any
4903 of the reasons set forth in § 5502 (1, 7 or 8) may execute an affidavit sworn to by
4904 the voter, under penalty of perjury, to be filed with the Sussex County
4905 Engineering Department. The affidavit shall be dated during the calendar year
4906 in which the election is to be held. It shall state the reason why he or she cannot
4907 appear at the designated polling place for the election on the day of the election,

4908 his or her birthdate, social security number and expected location, including
4909 address and a telephone number (if available) to be used for the purpose of
4910 challenge on election day. The Sussex County Engineering Department may hold
4911 an affidavit dated more than 90 days prior to an election, until 90 days prior to
4912 the election, and shall mail the official ballot, envelopes and instructions to the
4913 voter as soon as possible thereafter.

4914 **§ 110-103. Distribution of ballots.**

4915 Distribution of ballots shall be according to Delaware Code, Title 15 §5504.

4916 A. Upon receipt of a request from a voter Sussex County Engineering Department
4917 shall mail to the voter an official affidavit to confirm the voter qualifies for an
4918 absentee ballot.

4919 B. If the voter qualifies the county shall mail to the voter the following:

4920 1) An ABSENTEE BALLOT for the district in question;

4921 2) Instructions for completing the absentee ballot and returning it to the
4922 County.

4923 3) An envelope marked "ABSENTEE BALLOT ENCLOSED,"

4924 **§ 110-104. Form of affidavit.**

4925 A. Each affidavit submitted shall conform to the requirements of Delaware Code
4926 Title 15 §5503.

4927 B. Any voter who receives an absentee ballot because he/she qualifies under
4928 Delaware Code § 5502 (1, 7 or 8) may subscribe to and swear a self-administered
4929 oath, under penalty of perjury, affirming that he/she was not solicited or advised
4930 to vote for or against the question presented.

4931 **§ 110-105. Form of absentee ballot.**

4932 Each absentee ballot shall be in substantially the following form:

4933 For sanitary sewer/water district

4934 Against sanitary sewer/water district

4935 **§ 110-106. Time limit for return.**

4936 A. The absentee voter shall return his marked ballot to the Sussex County
4937 Engineering Department, before 12:00 noon of the day before the election, and
4938 any absentee ballot received by the Sussex County Engineering Department, after
4939 12:00 noon of the day before the election shall not be counted, but the
4940 Engineering Department, shall endorse on the ballot the time such was received
4941 and shall retain all such ballots for one year following the date of the election,
4942 and longer if directed to do so by Delaware Department of Election.

4943 B. The deadline for absentee ballot returns shall be noted on the official referendum
4944 notice required under Chapter 65, Title 9, of the Delaware Code.

4945 C. Affidavits may be sent via email at the discretion of the Engineer to meet time
4946 requirements. However, an executed original affidavit must be returned with the
4947 ballot. If voter is deemed ineligible to vote upon receipt of the affidavit the
4948 Engineering Department, shall endorse on the ballot the time such was received
4949 and shall retain all such ballots for one year following the date of the election,
4950 or longer if directed to do so by the Delaware Department of Election.

4951 **§ 110-107. Procedure by officials.**

4952 Upon receipt of the official envelope from the absentee voter, the Engineer, shall
4953 forthwith enclose the sealed ballot as received and unopened in a secure location
4954 and shall place his or her written signature on the official envelope, together with
4955 the date and time of receipt. The Engineer, or his designee, on the day of the election
4956 after closing of the polls, shall open the sealed ballots and shall record the vote of
4957 the absentee voter.

4958 **§ 110-108. Register of absentee voters.**

4959 The Engineer, shall cause to be provided a register of absentee voters. From the
4960 register, a list of names and addresses of all applicants for absentee ballots shall be
4961 compiled and shall be made available.

4962 **§ 110-109. Violations and penalties.**

4963 Whoever willfully files a false affidavit under the provisions of this Article shall be
4964 deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less
4965 than \$50 nor more than \$200 or imprisoned for a period of not more than 30 days,
4966 or both, and shall pay the costs of prosecution.

4967 **Article XVII. Septage Discharge**

4968

4969 **§ 110-110. Purpose.**

4970 Septage removed from any property located in Sussex County, Delaware, may be
4971 discharged at the Inland Bays Regional Wastewater Facility upon the terms and
4972 conditions set forth herein.

4973 **§ 110-111. Licensing and insurance requirements.**

4974 No user may discharge septage at a Facility until he has obtained a license from the
4975 Sussex County Engineering Department. The annual County licensing period is from
4976 July 1 through June 30. In order to obtain a license from the Sussex County
4977 Engineering Department, a person must provide the Engineering Department with
4978 the following:

4979 A. A State of Delaware Department of Natural Resources and Environmental
4980 Control (DNREC) permit issued to the user or a letter from DNREC which states
4981 that it will permit the user to haul septage for discharge at a Facility.

4982 B. A certificate of insurance verifying that user holds commercial general liability
4983 insurance in the minimum amount of \$1,000,000 combined single limit per
4984 occurrence.

4985 C. A certificate of insurance verifying that the user holds business auto liability
4986 insurance in the minimum amount of \$1,000,000 combined single limit per
4987 accident.

4988 D. A certificate of insurance verifying that the user holds worker's compensation
4989 and employer's liability insurance (if applicable) in the minimum amounts as
4990 follows: \$500,000 for each accident, \$500,000 for each employee for disease and
4991 a policy limit of \$500,000 for disease.

4992 E. A certificate of insurance verifying that the user holds such other insurance that
4993 may be required by state law, rule or regulation.

4994 F. State of Delaware business and waste hauler's licenses.

4995 **§ 110-112. Fees.**

4996 The County may assess each user an annual license fee and a self-supporting
4997 discharge rate per gallon as recommended by the Engineer and approved by County

4998 Council. The license fee and user rate shall be set during the annual Sussex County
4999 Budget process

5000 **§ 110-113. Discharge limitations.**

5001 The County may, by rules promulgated by the Engineer and posted at a Facility,
5002 regulate the following in connection with the discharge at a Facility:

5003 A. The amount of septage a user may discharge per discharge and per season.

5004 B. The hours during which a Facility will accept discharge from a user.

5005 C. The strength and toxicity of septage discharged by a user.

5006 **§ 110-114. Holding tank permit.**

5007 No septage obtained from a holding tank may be discharged at a Facility unless a
5008 holding tank permit has been issued by the Sussex County Engineering Department
5009 for the holding tank that is the source of the septage to be discharged at the Facility.
5010 A fee shall be assessed for the issuance of a holding tank permit in an amount to be
5011 determined by the County and set during the annual Sussex County Budget process.

5012 **Article XVIII. Private Central Wastewater Systems**

5013 **§ 110-115. Purpose.**

5014 In accordance with Title 26 of the Delaware Code, the State of Delaware Public
5015 Service Commission is authorized to issue certificates of public convenience and
5016 necessity (CPCN) for the construction and operation of privately owned and
5017 operated central sewer systems within the State.

5018 The County plans, designs, finances and constructs sewer systems within the Unified
5019 Sanitary Sewer District. As part of this process, the County established five tier
5020 sewer service areas designating how certain parts of the County shall or can be
5021 served in the future depending on their tier area designation. Tier areas are utilized
5022 by the County to adequately plan, design, finance and construct the publicly owned
5023 sewer system. This Article is intended to provide a method for coordination with
5024 regulated private and/or municipal wastewater utilities.

5025 **§ 110-116. Prohibition within County sewer districts.**

5026 No private community wastewater system shall be permitted within a Tier 1 or Tier
5027 2 Service Area and therefore no Certificates of Public Convenience and Necessity
5028 can be obtained in these areas.

5029 **§ 110-117. Approval required.**

5030 Certificates of public convenience and necessity can be obtained within a Tier 3
5031 Service Area with prior approval of the Engineer as hereinafter provided.

5032 A. Applicants seeking to obtain approval of an application for a certificate of
5033 public convenience and necessity within a Tier 3 Service Area must
5034 coordinate the request with and obtain prior approval from the Engineer
5035 before submitting an application to the Public Service Commission. The
5036 request shall include the following:

5037 1) Address and location of the proposed private central wastewater
5038 system, including Tax Map and Parcel Number(s) where the treatment
5039 and disposal system will be located or the off-site regional treatment
5040 and disposal system to be utilized to serve the proposed CPCN.

5041 2) List of the property or properties by Tax Map and Parcel Number to be
5042 served by the proposed CPCN.

5043 **§ 110-118. Review of request.**

5044 After obtaining all required information, and no later than 45 days after a request
5045 has been made, the Engineer shall approve the request for a CPCN within a Tier 3
5046 Service Area in writing if it is determined that each of the following criteria have
5047 been favorably addressed:

5048 A. Sussex County will not reasonably be able to provide sewer service to the
5049 property within five years from the date the application is filed; and

5050 B. Sussex County has not performed a planning study that the applicant could
5051 use to implement the extension of a transmission pipeline system to connect
5052 the development to existing County infrastructure; and

5053 C. The system will not adversely affect Sussex County's ability to provide future
5054 sewer service to other properties in the area, including, but not limited to,
5055 other existing developments, individual properties or structures; and

5056 D. The system, if serving more than one property, will not interfere with the
5057 County's ability to construct future pipelines and/or mains within private or
5058 public rights-of-way or other areas as may be necessary; and

5059 E. The system will be constructed in such a manner that it could be
5060 interconnected with the County sanitary sewer system if the County sanitary
5061 sewer system becomes available; and

5062 F. The construction of the system does not adversely affect existing, designed or
5063 funded County sewer infrastructure, including, but not limited to, pipelines
5064 and/or mains sized to accommodate the property that is the subject of the
5065 application, pump stations sized to accommodate the property that is the
5066 subject of the application, treatment and disposal methods that have been or
5067 will be acquired to accommodate the treated wastewater.

5068 **§ 110-119. Appeal of Engineer's decision.**

5069 A. In the event the CPCN request is denied by the Engineer or the county wide
5070 five-tier sewer service preference map issued by the Engineer is challenged,
5071 the applicant may take an appeal to County Council by filing a notice of
5072 appeal with County Council and stating the grounds therefor within 30 days
5073 after the Engineer's decision.

5074 B. County Council shall fix a date and time for a public hearing on the appeal,
5075 and give notice thereof by certified mail to the owner of the property that is
5076 the subject of the application, the applicant (if different from the owner), and
5077 the operator of the system, and by posting said notice conspicuously at the
5078 place to be served by the system. Such notice shall be given not less than 10
5079 days before the date of the public hearing.

5080 C. The Engineer shall transmit to the County Council all papers and documents
5081 which constitute the record of the decision appealed. County Council shall
5082 conduct a hearing and consider all evidence presented from any party,
5083 including the party taking the appeal, the Engineer, the public or any other
5084 interested party, and may thereafter reverse or affirm the decision appealed.

5085 D. The information considered by County Council shall be limited to the
5086 application for approval of a CPCN within a Tier 3 Service Area and the
5087 criteria set forth in this Article.

5088 **§ 110-120. Notification required.**

5089 Certificates of public convenience and necessity can be obtained within a Tier 4
5090 Area with prior notification as hereinafter provided.

5091 A. Applicants seeking to obtain the approval of the County for a CPCN within a
5092 Tier 4 Service Area must notify the Engineering Department in writing before
5093 submitting an application to the Public Service Commission. The notification
5094 shall include the following:

5095 1) Address and location of the proposed private central wastewater system,
5096 including Tax Map and Parcel Number(s) where the treatment and
5097 disposal system will be located or the off-site regional treatment and
5098 disposal system to be utilized to serve the proposed certificate of public
5099 convenience and necessity.

5100 2) List of the property or properties by Tax Map and Parcel Number to be
5101 served by the proposed certificate of public convenience and necessity.

5102 **§ 110-121. Effect on existing certificates of public convenience and necessity.**

5103 Article XVIII shall neither apply to any private central wastewater system for which
5104 a DNREC operational permit has been issued nor shall it apply to any property for
5105 which a CPCN has previously been granted by the Public Service Commission prior
5106 to January 1, 2018.

5107 **Article XIX. Revision of Sewer & Water District Boundaries**

5108 **§ 110-122. Application and fee.**

5109 Any person, firm or corporation applying to the Sussex County Engineering
5110 Department for the revision of a sanitary or water area boundary without election
5111 pursuant to 9 Del. C. § 6502 shall be required to pay such an amount required to
5112 defray the administrative cost of the process of that request. This fee shall be set
5113 during the annual Sussex County Budget process.

5114 **§ 110-123. Payment of fee and refund.**

5115 The district boundary extension fee shall be paid in advance by the person, firm or
5116 corporation requesting the revision to the sewer or water district area without
5117 election. Such fee may be refunded on request, if the application is withdrawn on or
5118 before preparation of notices and advertising required by 9 Del. C. § 6502.

5119 **§ 110-124. Sewer district extension requirements.**

5120 Unless waived at the discretion of the Engineer, all requests to extend boundaries of
5121 the Unified Sanitary Sewer District shall require preparation of Sewer Service
5122 Concept Evaluation (SSCE) by the Utility Planning Division. Costs for the
5123 preparation of the SSCE are set by County Council as part of the annual budget
5124 process. The SSCE shall include, at a minimum, a hydraulic analysis of the impact
5125 of the creation, extension or modification, over the next five years, for the following
5126 items:

5127
5128 A. The pump station and/or gravity sewer collection system servicing the
5129 proposed area extension of the Unified Sanitary Sewer District, and all
5130 systems associated therewith.

5131
5132 B. All pumping stations, transmission mains, gravity-flow collection systems and
5133 associated pipelines downstream of the pumping station or gravity-flow
5134 collection system servicing the proposed area extension of the Unified
5135 Sanitary Sewer District.

5136
5137 C. Any other potentially adverse flow or pumping conditions which may be
5138 encountered as a direct result of the proposed extension.

5139
5140 D. The findings of the SSCE are valid for five years from the date of issuance. If
5141 no physical sanitary sewer improvements or direct financial contributions to
5142 the County financed project(s) have occurred within the five-year period, then
5143 the SSCE shall be deemed null and void.

5144 **§ 110-125. Sewer service tier system and map adoption.**

5145 A. A five-tier sewer service preference system shall be established. Sewer
5146 service to a parcel or project shall be planned and designed according to
5147 the applicable tier level.

5148 B. After 30 days notice, the County Engineer shall adopt and/or amend as
5149 necessary a county wide five-tier sewer service preference map. A party
5150 with standing may appeal the amended map in accordance with § 110-119.

5151 **§ 110-126. Tier descriptions.**

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5153 A. Tier 1, Unified Sanitary Sewer District:

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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.

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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 _____.

TO BE INTRODUCED



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Woodbridge High School Performing Arts Boosters, Inc

PROJECT NAME: Upgrade Band Equipment

FEDERAL TAX ID: 82-3867289 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: We are currently working on upgrading the band equipment for the Woodbridge High School Marching Band.

ADDRESS: 608 Schlabach Road

Greenwood DE 19950
(CITY) (STATE) (ZIP)

CONTACT PERSON: Kim Wharton

TITLE: Treasurer

PHONE: 302-841-2370 EMAIL: whspaboosters@gmail.com

TOTAL FUNDING REQUEST: 2000

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months? n/a

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 10%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

40 _____

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

We are currently working on upgrading the band equipment for the Woodbridge High School Marching Band. With the decrease in local schools budget it is difficult to secure funding on extra curricular activities such as our music and performing arts. Some of the current equipment is around 20 years in age and in dire need of replacement.

Our goal is to raise and secure the funds that are needed so that we can continue to have our students benefit from the creative arts learning that is provided through music.

We feel that with the new equipment we will hopefully build our student band membership bringing in additional students into the program. Music is beneficial to students and the community in helping to bring culture and diversity alive through creative performances and listening.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

| REVENUE | |
|--|--------------|
| Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) | |
| TOTAL REVENUES | 0.00 |
| EXPENDITURES | |
| Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative) | |
| Proposed quoted expenses as provided by local vendor to purchase new equipment | \$ 20,000.00 |
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| TOTAL EXPENDITURES | \$ 20,000.00 |
| TOTAL DEFICIT FOR PROJECT OR ORGANIZATION | \$ 20,000.00 |

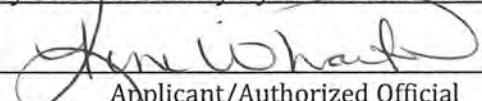
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Woodbridge High School Performing Arts Boosters, Inc. agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

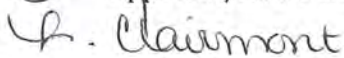
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



Applicant/Authorized Official

4-16-18
Date



Witness

April 16, 2018
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government
Attention: Gina Jennings
PO Box 589
Georgetown, DE 19947

Handwritten initials

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Gene Wood
Applicant/Authorized Official

Treasurer
Title

B. Clairmont
Witness

April 16, 2018
Date

Wilson
4-18-18