

**AMENDMENT
TO THE UNION COUNTY WATER AND SEWER EXTENSION ORDINANCE**

Section 1. Delete Section 1.3 (**Applicability**) as written and replace with the following:

1.3 Applicability

This Ordinance shall apply throughout Union County, and it shall be followed by all persons in order to plan, reserve water or sewer capacity, construct and have accepted for service any water and/or sewer line extension to the UCPW system that is to serve any Development. As to Developments to which this Ordinance applies, this Ordinance shall supersede the provisions of any water and sewer extension policies to the extent inconsistent with this Ordinance.

This Ordinance shall not apply to those Developments which, as of the Effective Date of this Ordinance, are subject to a current and valid water or sewer construction permit issued by NCDENR. As to those Developments to which this Ordinance does not apply, the water and sewer extension policies in effect prior to the Effective Date shall continue in full force and effect.

If a water or sewer construction permit issued by NCDENR becomes invalid for any reason after the Effective Date of this Ordinance, this Ordinance shall thereafter apply to the future planning, reservation of water or sewer capacity, construction and acceptance for service of any water or sewer line extension of the UCPW system that is to serve the Development that was subject to the invalid permit, including the timing and amount of payment of water or sewer capacity fees. Water or sewer capacity fees previously paid for the reservation of water or sewer capacity for the Development shall be credited against any additional water or sewer capacity fees due for the Development under this Ordinance, but refunds of fees shall not be given for water or sewer capacity not used.

In the event that NCDENR has issued a water or sewer construction permit with respect to a Development, and the Owner or Developer of that Development requests a change in the engineering plans or specifications that were approved by NCDENR when it issued the permit such that a permit modification or amendment is required, this Ordinance shall thereafter apply to the future planning, reservation of water or sewer capacity, construction and acceptance for service of any water or sewer line extension of the UCPW system that is to serve that Development. The timing and amount of payment of water or sewer capacity fees due for that Development shall thereafter be determined under this

Ordinance. Water or sewer capacity fees paid for the reservation of water or sewer capacity for that Development shall be credited against any additional water or sewer capacity fees due under this Ordinance. Refunds of water or sewer capacity fees shall not be given for water or sewer capacity not used, but shall be credited against any additional water or sewer capacity fees due under this Ordinance.

Section 2. Delete Section 2.3(d) (**Off-Site Improvements**) as written and replace with the following:

(d) Off-Site Improvements

For Developments that are not adjacent to water and sewer infrastructure of sufficient size and capacity to meet the needs of the proposed Development, Developer shall be responsible at Developer's sole expense for the design and construction of any and all improvements to the UCPW system deemed necessary by UCPW to meet the service needs of the Development. This may include water and sewer line extensions, pump station improvements or other improvements as may be necessary to meet the service requirements of the Development.

Developer shall incorporate the off-site improvements into the Water and Sewer Plans submitted for the proposed Development. These improvements shall conform to the requirements of this Ordinance and shall be consistent with the UCPW Water and Sewer Master Plan.

Notwithstanding the foregoing general policy, UCPW may authorize the construction of interim alternative off-site sewer improvements that vary from the UCPW Water and Sewer Master Plan upon existence of any one of the following three sets of contingencies.

1. (i) The off-site sewer improvements necessary for the Project, as shown in the Union County Water and Sewer Master Plan, would also serve future downstream developments, (ii) the construction of this sewer infrastructure would be cost prohibitive given the size of the Project and the length of the off-site improvements, AND (iii) wastewater flow from the proposed Development and any upstream Development for which interim alternative off-site sewer improvements have been accepted by UCPW jointly constitute less than 50% of the planned wastewater flow to be conveyed in the off-site improvements as shown in the Master Plan.

OR

2. (i) The Master Plan anticipates gravity flow from a proposed Development to an existing off-site sewer line, (ii) such routing would require obtaining easements through an existing development that is not

served by UCPW sewer service, AND (iii) acquisition of sewer easements through this development would be impractical.

OR

3. (i) The downstream developments are already served by an alternative routing, AND (ii) wastewater flow from the proposed Development and any upstream Development for which an interim alternative solution has been accepted by UCPW jointly constitute less than 50% of the planned wastewater flow to be conveyed in the off-site improvements as shown in the Master Plan.

Upon existence of any one of these three sets of contingencies, UCPW may consider interim alternative off-site sewer improvements in accordance with the following requirements.

The proposed alternative must meet the sewer design standards delineated in the Union County Master Plan, and the interim alternative off-site sewer improvements must provide sufficient capacity to meet the projected capacity needs of any potential development upstream of the Project. Developer must also demonstrate that there is sufficient capacity in the receiving basin to handle the flow from the Project, including any development within the receiving basin as shown in the Master Plan. The interim alternative off-site sewer improvements shall also incorporate the removal of any interim off-site improvements that may have been constructed upstream of the Project.

Developer shall be solely responsible for the cost of all studies and evaluations required by UCPW to determine the feasibility and acceptability of the proposed interim alternative off-site sewer improvements, which shall be solely determined by UCPW. If determined to be feasible and acceptable to UCPW, Developer shall incorporate the interim alternative off-site sewer improvements into the Water and Sewer Plans submitted for the proposed Development. Developer shall be responsible at Developer's sole expense for the permitting, design and construction of any and all interim improvements including any cost incurred by UCPW in evaluating the feasibility and acceptability of the proposed interim alternative off-site sewer improvements.

In addition, Developer shall pay to UCPW, with the execution of the Standard Water and Sewer Line Extension Agreement, its pro rata share of the estimated design, easement acquisition (based on the County's Easement Acquisition Policy and Procedures) and construction costs, as determined by UCPW as a non-refundable payment-in-aid of construction, of those off-site sewer improvements that would have been constructed to serve the Development if the infrastructure had been constructed in accordance with the Union County Water and Sewer Master Plan. When a Developer subsequently constructs the off-site sewer improvements consistent with the Union County Water and Sewer Master Plan,

UCPW may offset a portion of the expense of such construction by reimbursement to the Developer in an amount not greater than the total of any such pro rata payments received. In order to qualify for reimbursement, the Developer must solicit bids for projects subject to reimbursement in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts for work that would have required competitive bidding if the contract had been awarded by UCPW.

Section 3. Except as herein amended, the provisions of the Union County Water and Sewer Extension Ordinance shall remain in full force and effect.

Adopted this the 4th day of March, 2013