

**Title V Chapter 52  
WATER**

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**§52.01 General Statement**

- (A) An adequate supply of portable water is an increasingly difficult and expensive commodity to provide citizens. The individual well-being of each resident and the commercial and industrial vitality of the area indirectly depends on the availability of a useable water supply.
- (B) The Town of Calabash is dedicated to the premise that our water system has been and will be paid for substantially by the citizens of the town and, therefore, should be judiciously used to enhance the well-being of our citizens.
- (C) The town intends to follow a program of orderly growth without the over-extension of our resources which can result in a long-term devastating effect upon the municipality. The town intends to comply with its growth policies as enumerated in the Calabash Use Land pursuant to The Coastal Management Act of 1974.
- (D) The majority of the Town of Calabash is connected to the Brunswick County water system which is owned and operated by Brunswick County Public Utilities. System expansion is at the request of the Calabash board of commissioners.
- (E) System extensions are in general accordance with the Brunswick Co. Code of Ordinances Chapter 2-9 .

**§52.02 Definitions:** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) County: County means Brunswick County Public Utilities.
- (B) Town: In addition to the Town of Calabash, TOWN shall mean any person, private or governmental entity to which the town has assigned its rights. (Ord. passed 11-11-94)

**§52.03 Planning and Extension**

The planning and extension of the water system shall be accomplished in accordance with the following general policies:

- (A) The county shall be responsible for the maintenance, operation, and control of all water facilities.
- (B) Each developer of land, whether subdivided or not, shall be responsible for all costs associated with the extension of water service to the development including all rights-of-way costs.
- (C) All water service extension costs in and to subdivisions shall be borne by the subdivider.
- (D) All water extension plans and installations shall meet the specifications of the county. The county shall be authorized to inspect at any time the installation of all water extensions which are to be connected to the county's facilities and all fees for the inspections shall be borne by the owner or developer.

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**§52.04 Extension within Town Limits**

- (A) There are three methods by which water extensions can be accomplished.
- (1) On Application by Property Owners
    - a. Any property owner, owners or developer desiring to have water services extended to and along any public street or other public way shall apply in writing to the town requesting such water service. The application shall contain plans in sufficient detail in order to allow the determination of the adequate size of facilities necessary for the proposed extension.
    - b. Upon approval of the extension plans the property owner or developer shall be responsible for providing 100% of the full costs of the water improvements including all approved pump stations and system components, between the owner's property and the County system.
    - c. If public right-of-way is not available, the property owner or developer shall obtain the necessary rights-of-way and/or easements.
    - d. All contracts for installation of water lines and the construction and installation of same shall be subject to the inspection and approval by County and the fees for inspection shall be borne by the owner or developer.
  - (2) On Petition by Residents
    - a. Water extensions may be made upon receipt of a petition requesting such improvements. The petition shall be signed by at least 51% in number of the owners of property who also own at least 51% of the lineal feet of frontage of the lands abutting the proposed improvements.
    - b. The petitioners shall be responsible for all advertising and notification fees.
  - (3) Action by Town Board of Commissioners
    - a. In the event that the Town Board of Commissioners determines that a proposed water project is both necessary and in the public interest of the citizens of the town, the town may undertake the proposed extension of services on its own motion.

**§52.05 Connection to county system.**

- (A) Connection to the county's water system shall be required for all persons, groups, or corporations desiring to connect to county-owned and operated wastewater collection systems, if said water system is available and accessible.
- (B) If requester is not currently connected to the county's water system at the time of application for connection to the county's wastewater collection system, said requester shall connect to the county's water system, at his or her expense, when available and accessible.
- (C) Requester shall be subject to all connection fees associated with connection to the county's water and sewer systems accordingly prior to initiation of said services.

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- (D) If water is not available or accessible, requester can be allowed to connect to the county's wastewater collection system.
  - (1) The requester shall be required to connect to the county's water system at the time it is available and accessible to the requester's property, subject to payment of all connection fees.
  - (2) The requester shall be required to pay rate (flat or otherwise) as approved by the board of commissioners.

Reference [Brunswick Co. Code Sec. 1-13-742. Connection to county water system.]

**§52.06 Method of assessment**

- (1) Refer to Title V §51.05 (B) Method of Assessment.
- (2) Reference [.GS §153A-186. Bases for making assessments –county statutes].

**§52.07 Public Notice of Extension**

- (A) The town recognizes that utility extensions within town limits may have a significant impact on property values and/or the ability of the property owners to pay any assessment.
- (B) Refer to Title V §51.06, Public Notice of Extension.

City Reference [GS§ 160A-223, § 160A-224, § 160A-225]

County Reference [GS § 153A-190, § 153A-191, § 153A-192, § 153A-201.

Authority to hold assessments in abeyance]

**§52.08 Extensions By Other Governmental Entity**

- (A) In event that the town shall permit an extension of its water lines at the request of and expense of any other governmental unit, including Brunswick County, such extensions shall be at the sole expense of the party requesting the extensions. Expenses are to include but not be limited to all labor and materials, engineering fees, any and all sums required for rights-of-way and/or easements and any and all costs inferential to the extensions.
- (B) Properties served by such water line extensions shall pay according to the governmental unit's extension policy.

**§52.09 Oversized Improvements/Reimbursement**

- (A) The county may require the applicant to construct a proposed trunk extension at a size greater than otherwise required by county minimum requirements.
- (B) When such an oversized extension is required, payment and reimbursements are in general accordance with Brunswick Co. Code Sec. 1-13-759, Additional acceptance procedures for sewer extensions.