



PROGRESS THROUGH COOPERATION

JOINT MUNICIPAL WATER AND SEWER COMMISSION POLICY FOR THE PAYMENT OF RESIDENTIAL WATER AND/OR SEWER TAP FEES

Article I. Selection of Payment Method

Section 1.01 The developer shall be required to select a payment method from the two (2) payment method options that the Commission currently offers for the payment of water and/or sewer tap fees.

(a) **Option I** - Tap Fees Paid in Three (3) Parts as follows:

- (i) Developer shall pay the first one-third (1st - 1/3) of tap fees for the total number of lots requested for permitting (rounded up to the nearest whole number) to the Commission prior to the Commission providing a letter to SCDHEC stating its willingness and ability to provide the subdivision and phase in question with water and/or sewer service.
- (ii) Developer shall pay the second one-third (2nd - 1/3) of tap fees, **at the prevailing rate**, for the total number of lots requested for permitting (rounded up to the nearest whole number) to the Commission one year from the date of the Permit to Construct issued by SCDHEC.
- (iii) Developer shall pay the final one-third (3rd - 1/3) of tap fees, **at the prevailing rate**, for the total number of lots requested for permitting to the Commission two years from the date of the Permit to Construct issued by SCDHEC.
- (iv) If Option I is selected, a properly executed Prepaid Water and/or Sewer Tap Certificate Form must be presented to the Commission in order to have a meter set at any location.
- (v) In no case will a meter be set at any location until such time as any accounts that are in arrears have been brought current, payment for the water and/or sewer tap fee has been received and a Permit to Operate has been issued by SCDHEC.

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(b) **Option II** – Monthly Service Availability Fees (“Pay As You Go”)

- (i) Developer shall not be required to pay any monies down at the presentation of the initial construction drawings in order to request that a letter be sent from the Commission to SCDHEC stating the Commission’s willingness and ability to provide the subdivision and phase in question with water and/or sewer service.
- (ii) Monthly Service Availability fees, consisting of meter maintenance fees based on meter size, for water and/or sewer, as well as a monthly hydrant fee, shall be paid by the owner(s) of record at the Commission, **at the prevailing rate**, on all lots requested for permitting commencing on the date of the Permit to Construct issued by SCDHEC.
- (iii) If Option II is selected, or if a developer is moved to Option II due to late payment (See Article III Section 3.03), water and sewer tap fees shall be paid on a “Pay as you go” basis, at the prevailing rate, at the time of application for service.
- (iv) In no case will a meter be set at any location until such time as any accounts that are in arrears have been brought current, payment for the water and/or sewer tap fee has been received and a Permit to Operate has been issued by SCDHEC.

Section 1.02 There will not be allowed the option to switch to another method at a later date once a payment method is selected, with the exception of prepayment of the water and/or sewer tap fees.

Section 1.03 If a developer is subject to Option II and later elects to prepay the tap fees, the developer will still be responsible for the monthly service availability fee.

Section 1.04 The developer submitting his/her plans for review must affix an authorized signature to Attachment 1 of this document, indicating their choice of payment method, either Option I or Option II. *Original signatures must be submitted. The Commission will not accept fax copies of signatures.*

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Section 1.05 The Commission reserves the right to refuse to accept Option II for future projects if a developer fails to honor an agreement already in place.

Article II. Transfer of Ownership

Section 2.01 The developer/current owner shall agree to pay the aforementioned monthly service availability fees until such time as they have provided documentation to the Finance Manager of the Commission that will indicate transfer of ownership of a lot(s) to another party. This shall be achieved, first by completing Attachment 2 of this document. The completed Attachment 2 must meet the following criteria:

- (a) It must clearly state:
 - (i) Date
 - (ii) New Owner(s) and Address
 - (iii) Subdivision, Phase and Lot(s)
 - (iv) The document must contain signatures of Seller and New Owner(s), or their "Authorized Agents."
- (b) *Original signatures must be submitted. The Commission will not accept fax copies of signatures.*

Section 2.02 The developer/current owner shall then provide proof of sale to the Commission which must include the following five (5) requirements:

- (a) The five (5) page Tap Fee Policy initialed and dated by the new owner(s),
- (b) Attachment 2 as described in Section 2.01,
- (c) Attachment 3, signed by the new owner(s) of the lot(s) which includes language obligating the new owner(s) to the same requirements as noted previously

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- (d) It must be sent "Certified – Return Receipt Requested" to the attention of the Finance Manager
- (e) *Original signatures must be submitted. The Commission will not accept fax copies of signatures.*

Section 2.03 Monthly service availability fees will be transferred to the new owner(s) as indicated on Attachment 2 from the developer/current owner within five (5) business days of the Commission's representative signing for the transfer of ownership packet.

Article III. Late Payment Terms

- Section 3.01 If an account is in arrears, whether the developer is subject to Option I or Option II, the Commission will not submit a letter to SCDHEC for the purpose of obtaining a Permit to Operate until the account is brought current for that specific project/contract.
- Section 3.02 Any developer* who is in arrears must bring his/her account current to have plans reviewed on 1) future projects or 2) phases within a project.
- Section 3.03 Any developer who is currently operating under Option I and is more than sixty (60) days in arrears with the second (2nd) and/or final one-third (1/3) will receive a letter from the Commission automatically moving them from Option I to Option II. The owner of the lot(s) will then be responsible for the payment of the monthly service availability fees for ***all*** lots requested for permitting, which have not been paid, from the date of the letter.
- Section 3.04 Unpaid monthly service availability fees accrue a late payment penalty at a rate of five percent (5%) per month on the total balance outstanding.

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Section 3.05 If an owner(s) of a lot(s) is in arrears with his monthly service availability fees, the Commission will stop meter sets until such time as the account is brought current.

Section 3.06 In no case will a meter be set at any location until such time as any accounts that are in arrears have been brought current, payment for the water and/or sewer tap fee has been received and a Permit to Operate has been issued by SCDHEC.

***Definition:**

- 1) **Developer** shall be defined as an individual or legal entity that is the owner of record of a specific project (subdivision and/or phase within the subdivision) per the plans submitted to the Commission.
- 2) If a separate legal entity is formed for a subsequent development, then the developer is still considered to be liable if the member(s) of the new legal entity has at least a 50% interest in either company or partnership.



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ATTACHMENT 2

TRANSFER OF RESPONSIBILITY FOR MONTHLY SERVICE AVAILABILITY FEE OBLIGATION

This form shall be used to transfer the responsibility for the monthly service availability fee obligation for the specific lot(s) stated below and must be sent "Certified – Return Receipt Requested" to the attention of the Finance Manager of the Joint Municipal Water and Sewer Commission. The Finance Manager, or their representative, shall transfer the monthly service availability fee obligation from the developer/current owner to the new owner(s) of the lot(s) and begin billing the new owner(s) of the lot(s) within five (5) business days of the Commission's representative signing for the certified transfer of ownership packet.

Developer/Current Owner Information:

Name: _____

Address: _____

Telephone: _____

Authorized Agent: _____
(Please Print Name)

Authorized Signature: _____

New Owner(s) Information:

Name: _____

Address: _____

Telephone: _____

Receiving Agent: _____
(Please Print Name)

Authorized Signature: _____

Date: _____

Subdivision/Phase: _____

Lot Number(s): _____

Subscribed and sworn to before me on _____, 20____.

Notary Public for South Carolina

My Commission Expires: _____



ATTACHMENT 3

**ACKNOWLEDGEMENT AND ACCEPTANCE
OF TERM AND CONDITIONS BY NEW OWNER**

I, being the new owner(s) of the lot(s) shown below, am in agreement with the terms and conditions as outlined in the preceding pages of this policy regarding Option II, the payment of the monthly service availability fees, and so indicate by my authorized signature of the following statement:

“I have received, read, initialed and dated a copy of the Tap Fee Policy. I understand and agree to the terms and conditions as listed in the policy for the referenced subdivision, phase and lot(s). I agree to pay the monthly service availability fees for the lot(s) indicated below according to the Tap Fee Policy. I further acknowledge that if I transfer ownership of a lot(s) to another party that I will abide by Article II thereby providing proof of sale to the Commission.”

Authorized Signature and Date

Subscribed and Sworn
to before me on _____, 20__.

Printed Name and Title

Notary Public for South Carolina
My Commission Expires: _____

Subdivision, Phase and Lot Numbers
Transferred to New Owner(s):

Contact information:

Company Name
Mailing Address

Office phone number
Mobile phone number
Email address