

**ORDINANCE AMENDING CHAPTER 50 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 141007.01**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 7th day of October, 2014,

Part 1. That "Chapter 50: WATER AND SEWER SYSTEM" is hereby adopted to read as follows:

CHAPTER 50: WATER AND SEWER SYSTEM REGULATIONS

GENERAL PROVISIONS

50.001 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**ADMINISTRATOR.** The public works director or any other person designated by the mayor to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.~~

~~**B.O.D. or BIOCHEMICAL OXYGEN DEMAND.** The quantity of oxygen (expressed in milligrams per liter) required to satisfy the five day oxygen demand of a million pounds of domestic sewage or industrial wastes (or a combination of both) when tested in accordance with the procedures given in the latest edition of A Standard Methods of the Examination of Water and Sewage, published by the American Public Health Association. B.O.D. is a measure of the pollutional strength of wastes of any nature.~~

~~**COMBINED SEWER.** A sewer receiving both surface run-off and sewage.~~

DOMESTIC SEWAGE. Liquid wastes from bathrooms, toilet rooms, kitchens and home laundries.

FINANCE DIRECTOR. A Town employee tasked by the Town Manager to manage and administer the collection of funds relating to the operation of the Town's water and sewer systems or his/her designee.

~~**GARBAGE.** Solid wastes from the preparation, cooking, handling, and dispensing of food.~~

IMPROVED PROPERTY. Property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.

INFRASTRUCTURE. All components and appurtenances related to the operation of the town's municipal water delivery and sewer collection system including but not limited to, lines, meters, pump stations, backup generators, valves, and storage tanks.

~~INDUSTRIAL WASTES.~~ Liquid wastes from institutional, commercial, and industrial processes and operations as distinct from domestic sewage.

LIQUID WASTES. Waste products that are either dissolved in or suspended in a liquid.

LOT shall mean a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

NATURAL OUTLET. That body of water, stream, or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge or the sewage treatment plant.

~~pH.~~ The logarithm (base 10) of the reciprocal of the weight of the hydrogen ions in grams per liter of solution. It indicates the acidity and alkalinity of a substance. A pH value of 7.0 is considered neutral. A stabilized pH is one that does not change beyond the specified limits when the waste is subjected to aeration. A pH value below 7.0 is acidic and above 7.0 is alkaline.

PRIVATE WASTEWATER DISPOSAL SYSTEM. A system or equipment that handles, treats, or stores domestic sewage and other liquid wastes that is maintained and financed independent from the Town's municipal sewer system.

~~PROPERLY SHREDDED GARBAGE.~~ The wastes from the preparation, cooking and dispensing of food, shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one half inch in any dimension.

PUBLIC WORKS DIRECTOR. A Town employee tasked by the Town Manager to administer and manage the Town's water and sewer systems or his/her designee.

SANITARY SEWER. A pipe or conduit that carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.

SANITARY SEWER SYSTEM. The sanitary sewer system owned and operated by the town/Town, including all sanitary sewer lines and pipes, the sewage treatment plant, and all other facilities used in connection with the collection, treatment, and disposal of sewage.

SEWAGE. See LIQUID WASTES.

SEWAGE TREATMENT PLANT. The facility where sewage is collected and treated.

SEWAGE TREATMENT SYSTEM. See SANITARY SEWER SYSTEM.

STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS MANUAL. A Town policy establishing minimum design criteria and proscribing certain construction methods and materials for the construction of water and sewer infrastructure and related appurtenances.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage, or other liquid, and which are removable by laboratory filtering.

WATER SYSTEM. The water utility system owned and operated by the ~~town~~ Town, including all devices and facilities for the treatment, storage, and distribution of water.

50.002 VALIDITY

If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision will not affect the validity of the remaining portions of this ordinance.

50.003 OPERATION OF SYSTEM BY TOWN

Under NCGS 160A-312, the water system of the Town shall be owned and operated solely by the Town. The responsibility for establishing and adopting rules, regulations, policies and procedures for its operation is vested in the Board of Commissioners.

50.00250.004 RESPONSIBILITY OF TOWN AND CUSTOMERS

(A) The ~~town~~ Town shall:

- (1) ~~Maintain the Town owned water and sewer lines infrastructure within the town's rights of way and easements;~~
- (2) Reserve the right to refuse service if there is a cross connection to a private water supply, no backflow protection, or no sewer cleanout;
- (3) Assume liability from damage only if the damage results directly from the ~~town~~ Town negligence;
- (4) Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises;

(5) Assume no liability for the negligence of third persons.

(B) The customer shall:

(1) Maintain the piping system on his/her property at his/her expense in a safe and efficient manner. The customer shall be responsible for all water piping and fixtures from the point of metering to the point of use and for all sewer piping and fixtures from the sewer main to the point of use. The Town shall be given notice prior to any sewer repairs made within a public easement or right of way and repairs shall be under the direction of and subject to the inspection by the Public Works Director and in compliance with all applicable regulations. The townTown shall not undertake to repair the customer's connections to the water or sewer line until it has been determined that the disrepair, stoppage or other cause or impediment to the proper functioning of the line exists within the portion of the lateral between the main line and the property line. If the property owner or his representative claims that the cause of the disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line and an investigation discloses that the cause of the disturbance actually exists in that portion of the line lying between the property line and the structure which is served by the line, the property owner shall pay the townTown the actual cost to the townTown of making the investigation. If, however, upon investigation it is found that the cause of the disturbance or disrepair is in the portion of the line lying between the property line and the main line, the townTown shall make the repair without additional cost to the property owner;

(2) Guarantee protection for townTown facilities or equipment located on the customer's property;

(3) Pay the cost of relocating townTown-owned facilities and equipment if done at the customer's request;

(4) Not make or cause to be made any cross-connection with a private water supply;

(5) Install, maintain, and test proper and adequate backflow prevention devices;

(6) Install a pressure reducing valve if deemed necessary by the ~~administration;~~ Public Works Director;

(7) Install a sewer cleanout to townTown specifications if deemed by the ~~administration;~~ Public Works Director;

(8) Be responsible to the townTown for damage to townTown property that is the fault of the customer. ~~The cost of repairing or replacing the property will be added to the customer's bill.~~

(9) Maintain the area immediately surrounding any water meter or sewer cleanout in a manner that facilitates easy reading, maintenance, and operation.

50.005 TAMPERING WITH OR DAMAGING WATER OR SEWER SYSTEM.

It is unlawful for any person not authorized by the Town to tamper with, manipulate, damage, use, alter or injure any part of the Town's water or sewer system including but not limited to water storage, waterworks, water supply, distribution system, metering equipment, fire hydrant, sewer collection system, and pump stations. The connection or reconnection of water service by anyone other than the Director of Public Works or his designee shall be considered a violation of this subchapter.

Any person found to be in violation of this Section after investigation by the Public Works Director, with approval of the Town Manager may be charged a tampering penalty as set by the Board of Commissioners and may be subject to criminal prosecution. The Town may also seek damages in the appropriate court.

PRIVATE WASTEWATER DISPOSAL SYSTEMS

50.01050.100 CONNECTING BUILDING SEWER TO PRIVATE WASTEWATER DISPOSAL SYSTEMS PERMITTED.

Where a public sanitary sewer is determined as not available under the provisions of this subchapter, the building sewer shall be connected to a private wastewater disposal system, complying with ~~North Carolina Department of Human Resources, Division of Environmental Management and Cleveland County Health Department requirements~~ all applicable regulations.

50.01150.101 WRITTEN PERMIT TO BE OBTAINED. PERMIT REQUIRED

Before commencement of construction of a private wastewater disposal system, the owner shall first secure written verification from the Town that no municipal sewer service is available and then obtain a written permit from the Cleveland County Inspection Office. ~~The application for the permit shall be made on a form furnished by the townTown. The permit application shall be supplemented by any plans, specifications, and other information as are deemed necessary by the townTown. A permit and inspection fee shall be paid to the Cleveland County Inspection Office at the time the application is filed.~~

50.01250.102 INSPECTION AND APPROVAL OF INSTALLATION.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Cleveland County Inspection Office. Inspection shall be allowed by the owner at any stage of construction and, in any event, the applicant for the permit shall notify the Cleveland County Inspection Office with the work is ready for final inspection and before any underground portions are covered.

50.01350.103 DISCHARGE INTO NATURAL OUTLET PROHIBITED.

No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. passed 8-9-88)

50.01450.104 MAINTENANCE OF PRIVATE WASTEWATER DISPOSAL FACILITIES.

The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the ~~town~~ Town.

50.01550.105 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with the authority and regulations of the ~~North Carolina Department of Human Resources, the North Carolina Division of Environmental Management, or the Cleveland County Health Department.~~ (Ord. passed 8-9-88) State of North Carolina, Cleveland County, or other authority which may impose regulations on private wastewater disposal systems, equipment, or processes.

50.01650.106 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

As indicated in Section 50.200, ~~Upon~~ upon notification by the ~~town~~ Town that a public sewer is available, the owner shall apply for a connection permit within 30 days. The owner shall have the connection completed and approved within ~~90~~ 180 days of the notification. The private wastewater disposal system shall be cleaned of sludge and filled with gravel.

CONNECTION TO WATER AND SEWER SYSTEM

50.03050.200 CONNECTION REQUIRED UPON AVAILABILITY OF SERVICE.

(A) In accordance with NCGS 160A-317, Everyevery person who owns improved property within the corporate limits of the townTown shall be required to apply for connection to the water and sewer systems, within 6030 days of receipt of notice from the townTown. The owner shall have the connection completed and approved within 180 days of the notification to connect the improved property to the public water and sewer systems unless service is not available as defined in section (B) below.

(B) For purposes of this subchapter, water or sewer service ~~respectively~~ is not available if the building or structure to be served on the property is located more than 200 feet from an existing public water or sewer line that reasonably could serve the property. Sewer service will be considered available to properties where a privately owned sewer pump station is needed. -In addition, no property owner shall be required to connect to the public water or sewer system if he must first purchase an easement in which to install water or sewer lines.

~~(C) It shall be strictly prohibited and unlawful to deposit any wastewater into the wastewater system that causes a hazard to public health, human life or that creates a public nuisance.~~

~~(D)~~(C) Except as provided for herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of wastewater.

~~(E) As used in this section, the term IMPROVED PROPERTY means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.~~

(D) New developments that are within the Town's corporate limits as a result of voluntary annexation shall be subject to this section and shall install the appropriate infrastructure in accordance with Section 50.303.

~~50.031~~ 50.201 PERMIT FOR CONNECTION REQUIRED.

~~No person may connect or be connected to the water or sewer system of the town~~ Town until a permit for the a connection has been issued pursuant to '50.032.

(A) No person shall connect or be allowed to connect with the Town water or sewer system until application for permission to do so has been made on an application provided by the Town. This application shall contain an agreement by the applicant to abide by all provisions of this subchapter as conditions governing the use of Town water and sewer system. The application shall be accompanied by the fees and user deposits as may from time to time be required by the Board of Commissioners for establishment of water, sewer, and other related services.

(B) Applications completed and submitted to the Town for water or sewer connection or service shall constitute consent and agreement on the applicants part for Town employees and agents to enter upon the premises served at reasonable times and in a reasonable manner to perform the work and activities as may be required to fulfill the purposes and intent of this subchapter and to ensure compliance with the provisions of this subchapter.

(C) No application for connection to the water or sewer system shall be approved prior to an onsite inspection by the Public Works Director.

(D) So as to avoid the perpetuation and installation of private wells and private septic tank systems and to protect the health and safety of the residents of the Town and surrounding area, no application for water service or sewer service for any premises to which the Town's water distribution system or sanitary system are both available as provided by this subchapter shall be granted unless the applicant requests both water and sewer service from the Town.

~~50.033~~ 50.202 REJECTION OF PERMIT APPLICATION.

~~Upon application for a connection permit, the town~~ Town may reject the application and decline to provide service for the following reasons:

(A) Service is not available under the standard rate;

(B) The cost of service is excessive;

(C) The provision of service to the applicant will adversely ~~effect~~ affect the supply of water to other customers or will adversely affect the ~~town~~ Town's sewage treatment capabilities;

(D) Other good and sufficient reasons.

50.032 APPLICATION FOR CONNECTION.

~~(A) Every application for a water or sewer connection shall state the name of the owner of the lot, the name of the street on which the lot is situated, the number of the building if there is one on the lot, or if not, a description of the location of the lot, the number and kind of the connections desired, the character of the surface of the abutting street and any other additional information required by the administrator. Every application shall be signed by the person making the application.~~

~~(B) Every application for connection shall be accompanied by the fees pursuant to 50.095 unless the fees have been previously paid or are otherwise inapplicable.~~

~~(C) No permit shall be issued for water and sewer connections until after the administrator has made an on the premises inspection of the real property identified on the application and has determined the type of connection required. If this examination reveals that a different type of connection is required than that applied for, any additional fees must be paid by the applicant before a permit may be issued.~~

~~(Ord. passed 8-9-88)~~

50.03450.203 CONSTRUCTION OF CONNECTIONS.

~~(A) Water and sewer connections shall be constructed simultaneously whenever connections are to be made to both systems.~~

~~(B) When a permit has been issued by the townTown for a connection to existing water or sewer lines, the townTown, whether with the use of townTown forces or by contract, shall do the excavating, lay the pipe, install a meter, make the connection (tap on) to the main, fill the excavation, and replace the surface of the street.~~

~~(C) The customer may request that the water meter be placed on his premises; however, the final decision for meter placement lies with the townTown.~~

~~(D) When the meter is placed on the customer's premises:~~

~~(1) The townTown shall provide a cut-off valve directly before the meter.~~

~~(2) The customer shall furnish and maintain a private cutoff valve on his side of the meter.~~

~~(3) The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times to the meter reader.~~

~~(E) The customer's piping and apparatus shall be installed by a licensed plumber at the customer's expenses in accordance with all applicable building and plumbing codes and the townTown's regulations and in full compliance with the sanitary regulations of the State Commission for Health Services.~~

~~(F) Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the townTown's mains.~~

(A) No connection with the Town's water or sewer system shall be made without approval from the Town. The Town reserves the right to construct all connections to the water and sewer system by use of Town forces or by contract and shall assess the proper fees for such connections as adopted in Section 50.800.

(B) Water or sewer connections that the Town is unwilling or unable to make shall be made by a licensed and insured contractor approved by the Public Works Director. All work done and materials provided shall be at the expense of the customer or property owner. In such cases, the connection shall be made under the direction of and subject to inspection by the Public Works Director and in conformity with all applicable regulations. The Town shall adopt a fee for the inspection of any connection to the water or sewer system.

(C) Customer's may indicate a desired location for any connections, meters, cleanouts, and related plumbing fixtures, however the actual locations shall be dictated by the Town.

(D) All water and sewer lines and related plumbing fixtures from point of water metering or sewer connection to the premises served shall be installed by and at the cost of the owner of the property to be served or the applicant for service. The installation shall be under the inspection of the appropriate building inspector. No service shall be installed except in conformity with applicable building and plumbing codes and reasonable requirements as the Building Inspector or the Public Works Director may require for the protection of the public health, and safety and the Town's water system.

50.204 REPAIRS AND EXCAVATIONS.

All repairs to pipes and plumbing systems identified in Section 50.203(D) shall be made by and at the expense of the owner of the premises served. In the case of an emergency when the integrity of the water or sewer system is compromised and threatening the public health and safety, the Town may repair any private pipes connected or believed to be connected to the Town's infrastructure; if this is done, the cost of the repair work shall be paid to the Town by the owner or water customer of the premises served.

50.205 WATER METERS REQUIRED.

(A) All premises using the Town water supply must be equipped with a water metering device approved by the Public Works Director. Meters shall be furnished or specified by the Town but paid for by the property owner or customer prior to installation. If for any reason a water meter is not or cannot be installed at the time water service is required, then upon approval of the Town Manager, water service may be supplied by the Town at a flat rate until a meter may be installed.

(B) Meters shall be installed and maintained in such a manner as to protect from damage and freezing. The customer shall maintain the immediate area around the meter so that it is reasonably accessible for maintenance and reading. Any planting or appurtenances that affect the Town's ability to maintain or read the meter will be subject to removal without notification. No person shall obstruct, damage, vandalize, tamper with or do any other thing which could reasonably have the effect of defeating the purpose of the water meter or inhibiting the reading thereof. Meters shall normally be installed at the point of connection between the Town water distribution system and the pipe serving the customer's premises. All water meters shall become the property of the Town after initial installation.

50.206 BACKFLOW PREVENTION DEVICES

The Town shall require backflow prevention devices as required by applicable regulations and indicated in the Standard Specifications and Construction Details Manual. Such devices will be installed and maintained at the expense of the property owner. The Public Works Director shall conduct a maintenance and inspection program at the expense of the device's owner.

Backflow prevention devices being essential to the safety of the public water supply, violation of the requirements set forth as a part of the backflow maintenance and inspection program will subject the affected premises to disconnection from the Town's water system.

50.03550.207 SEPARATE CONNECTIONS REQUIRED FOR EACH LOT AND BUILDING STRUCTURE.

(A) For the purposes of this subchapter, LOT shall mean a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

(B) There shall be for every lot and building structure to which water or sewer service is available:

- (1) A separate connection with the water main or lateral of the townTown and separate service pipe, tap and meter;
- (2) A separate connection with the sewer main or lateral of the townTown;

(A) In accordance with the Standard Specifications and Construction Details Manual, each residence, apartment, other dwelling, tenant space, and separated use shall have its own separate water metering device owned and operated by the Town.

(B) Water taps and sewer connections may be branched or shared with the approval of the Public Works Director and in accordance with the Standard Specifications and Construction Details Manual.

(C) In accordance with state regulations all irrigation systems shall be served with a separate water meter so that they may be locked during water shortages.

(D) When beneficial to the Town institutional developments may be exempt from Section 50.207 provided that the provisions are Section 50.208 are met.

50.03650.208 CONNECTION OF SERVICE WHERE MULTIPLE BUILDINGS ARE LOCATED ON ONE LOT.

Where there are multiple buildings or structures situated on one lot, the following may be required:

(A) The building or buildings to be served shall be in compliance with all applicable zoning regulations.

(B) The building permit and plat shall indicate the complex of buildings to be constructed on a single lot.

(C) The applicant shall be required to submit to the ~~town~~Town a site plan showing the proposed water and sewer systems. The plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. The plans shall include:

(1) Size of waterlines, materials to be used for construction, valve locations and hydrant locations. All construction from the property line to the water meter shall be in accordance with ~~town~~Town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

(2) Size of sewers and materials to be used for construction. All sewer lines eight inches or larger in size shall be constructed in accordance with ~~town~~Town specifications and standards. All sewer lines smaller than eight inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

(3) The plans shall be approved by the ~~town~~Town engineerEngineer.

50.03750.209 INSPECTION BY TOWN.

By making application for service the customer agrees that the ~~town~~Town and its agents possesses the right to inspect the private water distribution systems, water connections, sewage collection system and sewer connections before they are connected to the ~~town~~Town water and sewer systems. The ~~town~~Town shall be given notice to inspect before the pipes are covered and the systems are connected.

~~50.038~~ LATERALS TO REMAIN TOWN PROPERTY.

~~All meters, meter boxes, pipes and other equipment furnished and used by the town~~Town or its contractors in installing any water or sewer connections shall be and remain the property of the ~~town~~Town.

50.03950.210 MAINTENANCE OF PRIVATE DISTRIBUTION AND COLLECTION SYSTEM.

In addition to the requirements of ~~50.036~~50.207, all owners of lots on which private water distribution and sewer collection systems are situated shall maintain the systems properly. Failure to maintain the systems shall constitute a nuisance which may be abated using the procedures set forth in ~~50.999~~ of this code. However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of water or sewer service poses an immediate threat to public health, the ~~town~~Town may summarily abate the nuisance and bill the lot owner for costs incurred by the ~~town~~Town.

~~50.040~~ USE OF SEPTIC TANKS.

~~The use of septic tanks for domestic sewage treatment may be permitted where no public sewers are available within 200 feet of any property line due to topographic reasons; provided that, the septic tank is properly maintained and operated and a permit is obtained from the town~~Town and in accordance with all applicable health department requirements.

50.211 SECONDARY TAPS AND WELLS PERMITTED.

(A) Upon completion of proper application for connection or service and payment of fees as may from time to time be required, a property owner who is otherwise in compliance with this subchapter may be allowed to tap onto the Town water system for non-commercial, non-household consumption, including, but not limited to, heating and cooling systems, irrigation, swimming pools and other uses where any wastewater cannot reasonably be expected to enter the Town's sanitary sewer system. The Town will not assess sewer charges in connection with a secondary water tap installed and utilized in accordance with this subchapter.

(B) Owners of property subject to the mandatory connection requirements of this subchapter shall also be allowed to have and use private wells, subject to the provisions contained herein.

(1) Users of private wells shall notify the Town in writing of the existence and location of each well and the uses made of the water from a well. The Town will not assess charges for consumption of water from private wells when no portion of the wastewater from the well can reasonably be expected to enter the Town's sanitary sewer system.

(2) The introduction of water from private wells into the Town's wastewater system will not be permitted. A private well shall not be used in conjunction with or mixed in any manner with the Town's water and water distribution system.

WATER AND SEWER EXTENSIONS

~~50.05~~50.300 EXTENSIONS OF SERVICE TO IN-~~TOWN~~TOWN PROPERTY.

The ~~town~~Town recognizes its basic responsibility to provide the public benefit of providing water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the availability of funds, to extend its service lines to all properties unless it is unreasonable to do so. The ~~town~~Town may determine that an extension of service is unreasonable for the following reasons:

- (A) The cost of service extension is excessive in terms of the number of customers to be served or because of topographic, engineering, technical, or other problems.
- (B) The provision of service will adversely affect the supply of water to other customers or will adversely affect the ~~town~~Town's sewage treatment capabilities.
- (C) Other good and sufficient reasons.

~~50.05~~50.302 EXTENSIONS TO DEVELOPED PROPERTY WITHIN ~~TOWN~~TOWN.

(A) Except as provided in ~~50.05~~50.303, the cost of extending water or sewer service to properties within the corporate limits shall be borne initially by the ~~town~~Town. However, the ~~town~~Town may recoup its cost, in whole or in part, by charging front footage fees at the time of connection to the water or sewer system or by levying special assessments on benefitted property.

(B) Except as provided in ~~50.05~~50.303, water and sewer main extensions to serve properties within the town shall be done by ~~town~~Town forces or under a contract let by the ~~town~~Town.

(C) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within the rights-of-way, except where the topography makes this impracticable. However, in no case will sewer lines be extended by the ~~town~~Town across private property, unless the ~~town~~Town has obtained adequate permanent easements for the lines.

(D) To preserve road surfaces, whenever the ~~town~~Town installs water or sewer line extensions in paved streets within the town, (as well as whenever the ~~town~~Town paves unpaved streets where water or sewer lines exist), the ~~town~~Town may install lateral lines to serve undeveloped as well as developed properties and may give the owners of the undeveloped properties the option of paying for the lateral installation at the time the work is done or paying the lateral installation fee that is current at the time of connection.

50.05250.303 IN-TOWN EXTENSIONS WITHIN TO NEW SUBDIVISIONS AND OTHER NEW-DEVELOPMENTS.

(A) In addition to this section, utility extensions to and within new subdivisions shall be regulated by the Standard Specifications and Construction Details Manual and the Town's Subdivision Ordinance or other applicable development ordinance.

~~(A)(B) As indicated in ' 50.052, the townTown's responsibility is to extend its water and sewer lines to properties within the town. However, the~~ The responsibility for extending water and sewer lines to or within new subdivisions or within other new developments lies with the subdivider or developer, although the townTown may in its discretion contract with the subdivider or developer to install the water or sewer lines with townTown forces.

~~(B)(C) The cost of extending water or sewer lines to or within new subdivisions or other new developments shall be borne by the subdivider or developer, except that if the townTown requires lines within a subdivision or other new development that are larger than those necessary to serve the project and are so located to serve other properties, the townTown shall reimburse the developer for any additional costs incurred as a result of installing the oversized lines. The reimbursements shall be paid at the time the lines are connected to the townTown's system.~~

(D) All the provisions of Section 50.303 shall apply to properties that are within the Town's corporate limits as a result of voluntary annexation including non-contiguous annexations.

50.05350.304 EXTENSIONS OUTSIDE OF TOWN.

(A) The townTown has no responsibility to provide water or sewer service to property located outside the corporate limits. However, upon request, the townTown may extend its water or sewer lines to serve properties outside the townTown when it determines that it is in the townTown's best interest to do so.

(B) Any owner of property who now has an extension of the townTown's water and sewer system in an adjacent unincorporated area shall be subject and abide by the same conditions of service as those property owners whose property lies within the corporate limits of the townTown. This requirement shall apply to all property owners in adjacent unincorporated areas who request and receive service in the future. This subchapter shall apply to all users of the townTown's water and sewer system.

(C) The responsibility for and the entire cost of extending a water or sewer line to serve property outside the townTown shall be borne by the property owner requesting the extension. The entire cost of extending water or sewer lines within new subdivisions or developments outside of townTown shall be borne by the subdivider or developer.

50.05450.305 EXTENSIONS MADE BY OTHER THAN TOWN FORCES.

(A) All additions to the town's water or sewer system installed by other than town forces, whether inside or outside the town, shall be installed under the direction of and subject to inspection by the Public Works Director and in accordance with the provision of this subchapter as well as other town specifications and requirements. Among other matters, the specifications shall govern the size of all lines, their location, grade, materials used, manner of installation, and provisions for future extensions.

(B) No construction on any addition to the town's water or sewer system shall commence until detailed plans have been reviewed and approved by the Public Works Director, as well as the town engineer. The plans shall include whatever information the Public Works Director deem reasonably necessary to determine whether the proposed extension complies with all applicable town specifications and requirements.

(C) Water lines intended for addition to the publicly-owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the town may accept an offer of dedication of lines installed with un-subdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the town may accept sewer lines constructed on private property (where the topography makes this necessary) if adequate permanent easements are provided.

(D) To protect street surfaces, the town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to the water or sewer lines.

(E) By making application for extension to the town's water or sewer system, the person responsible for the extension agrees to indemnify and holds the town harmless from all loss, cost, damage, liability, or expense resulting from injury to any person or property arising out of the extension of the service lines.

50.05550.306 INSPECTION BY TOWN OF WORK DONE BY OTHERS.

(A) All work on the extension of water or sewer lines ~~not performed by town forces (whether inside or outside the town,~~ shall be subject to inspection by the town. If, in the judgment of the Public Works Director, there is a demonstrated lack of competent supervision by a contractor, the Public Works Director may at his option:

- (1) Halt work until approved supervision is obtained and the work done in accordance with the town specifications and requirements; or

(2) Provide constant inspection by ~~town~~Town personnel or an agent of the Town at the expense of the applicant.

(B) Inspection of a project by the ~~town~~Town does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to ~~town~~Town specifications (if the work is not done by ~~town~~Town forces) and may be required to rearrange or do over any work to bring it into conformity with the specifications and requirements

50.05650.307 DEDICATION OF WATER AND SEWER LINE EXTENSIONS.

(A) All water and sewer mains constructed and connected with the ~~facilities~~infrastructure of the ~~town~~Town pursuant to this article shall be conveyed to and become the property of the ~~town~~Town upon completion and acceptance by the ~~town~~Town. Connection to the system and acceptance by the ~~town~~Town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.

(B) Following dedication as provided in section (A) above, the ~~town~~Town shall have exclusive control of all water or sewer liens and shall be responsible for their maintenance, repair, and operation.

(C) However, the conveyer of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including the incidental damages as may arise from the claims.

WATER SHORTAGE PLAN

50.400 PLAN INCORPORATED BY REFERENCE

(A) The Town shall adopt, maintain, and enforce a Water Shortage Response Plan or other policy dictating the Town's response to water scarcity and establishing restrictions on the use of water.

(B) Violations of any restrictions during declared shortages shall be punishable as a violation of this Chapter or as proscribed within the Water Shortage Response Plan.

INDUSTRIAL WASTESEWER DISCHARGES

50.070 APPLICATION TO INDUSTRIAL WASTES. 50.500 SEWER USE ORDINANCE INCORPORATED BY REFERENCE

(A) The Town shall regulate potentially harmful discharges into the Town's sewer system through the adoption and enforcement of a Sewer Use Ordinance and operation of a Fats Oils and Grease Program as well as any other programs deemed necessary by the Public Works Director.

(B) Violations of the Sewer Use Ordinance shall be punishable as a violation of this Chapter or as proscribed within the Sewer Use Ordinance.

~~Many of the provisions of this subchapter apply only to industrial wastes. The remaining provisions apply to wastes of all types, but, as a practical matter, only industrial wastes are likely to be affected by them in most instances.~~

50.071 DISCHARGE OF STORMWATER AND UNPOLLUTED DRAINAGE.

~~(A) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water may not be discharged or caused to be discharged by any person into any sanitary sewer.~~

~~(B) No person shall discharge or cause to be discharged any sanitary wastewater or other polluted waters into the storm sewer system without exception. Unpolluted stormwater and drainage waters as well as uncontaminated cooling waters may be discharged to the storm sewer system in accordance with this chapter.~~

~~§ 50.072 CERTAIN DISCHARGES PROHIBITED.~~

~~Subject to the provisions of § 50.074 and 50.075, no person may discharge or cause to be discharged any of the following described waters or wastes to any part of the town's sanitary sewer system.~~

~~(A) Any clothing, rags, textile remnants, paper products ground or whole except scraps or fibers that will pass through a .25 inch fiber mesh screen or its equivalent in screening ability.~~

~~(B) Any liquid, gas or vapor having a temperature higher than 150° F.~~

~~(C) Any water or waste containing more than 100 milligrams per liter (mg/l) of fats, oils, or grease.~~

~~(D) Any liquids, solids or gasses that may cause fire or explosion or be in any way injurious to persons, any portion of the town's sewage treatment system or the operation of this system.~~

~~(E) Any liquid wastes in which the suspended solids exceed 250 milligrams per liter.~~

~~(F) Any liquid wastes having a B.O.D. of more than 300 milligrams per liter.~~

~~(G) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage treatment system.~~

~~(H) Any waters or wastes containing any toxic or poisonous substances or any other materials (including, but not limited to, heavy metals or chemicals) in sufficient quantities to interfere with the biological processes used in the sewage treatment works or that will pass through the sewage treatment works and harm persons, livestock, or aquatic life utilizing the natural outlet.~~

~~(I) Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant.~~

~~(J) Any noxious or malodorous gas or substance capable of creating a public nuisance.~~

~~(K) Any garbage that has not been properly shredded.~~

~~(L) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection system or the sewage treatment works.~~

~~(M) Any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.~~

~~(N) Any liquid wastes containing dyes or other colors that cannot be removed by biological processes or that require a special chemical treatment.~~

~~(O) Any waters or wastes that require excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the plant.~~

~~(P) Any waters or wastes containing radioactive waters or wastes in quantities that may prove injurious to the treatment process of any portion of the sewage treatment system or to persons, animal, or plant life.~~

~~50.073 DISCHARGE OF CERTAIN WASTES RESTRICTED.~~

~~(A) No person shall discharge wastewater containing in excess of:~~

~~0.10 mg/l arsenic~~

~~0.01 mg/l cadmium~~

~~1.00 mg/l copper~~

~~0.05 mg/l cyanide~~

~~0.10 mg/l lead~~

~~0.01 mg/l mercury~~

~~0.20 mg/l nickel~~

~~0.10 mg/l silver~~

~~0.10 mg/l total chromium~~

~~10.00 mg/l total identifiable chlorinated hydrocarbons~~

~~280.00 mg/l phenolic compounds which cannot be removed by the town wastewater treatment processes.~~

~~(B) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this subchapter.~~

~~50.074 SPECIAL AGREEMENTS.~~

~~The town may enter into special agreement with any person whereby wastes of unusual strength or character may be admitted into the sanitary sewers for treatment by the town Town, either before or after approved pretreatment or prehandling, and subject to appropriate payments to the town to cover the extra costs associated with treatment of the wastes.~~

~~50.075 PERMIT REQUIRED FOR DISCHARGE OF INDUSTRIAL WASTES.~~

~~(A) Subject to division (B) below, no person may discharge industrial wastes into the town Town's sewage treatment system without a permit issued by the administrator.~~

~~(B) Persons discharging industrial wastes into the townTown's sewage treatment system on the effective date of this subchapter shall have a grace period of three months to comply with the provisions of division (A) above, and shall thereafter be bound by its requirements.~~

~~(C) Application for the permit specified in division (A) above shall be made to the administrator, and the applicant shall provide whatever information is reasonably required by the administrator. The permit shall be issued if the administrator concludes that the applicant will comply with all of the requirements of this subchapter.~~

~~(D) The permit requirement set forth in this subchapter for industrial waste discharge is in addition to any other provision of this subchapter relating to applications for service, connections, or extensions to the townTown's sewer system.~~

~~(E) After the initial permit is granted, no person may make or cause to be made any substantial change in the nature, character, or volume of industrial wastes discharged into the town's sanitary sewer system until a permit is issued by the administrator authorizing the change. The permit shall be applied for and issued in the same manner as the initial permit under this subchapter.~~

~~§50.076 PRELIMINARY TREATMENT FACILITIES.~~

~~(A) To equalize flows and to avoid temporary overloads, any person who discharges into the town's sanitary sewer system waste having a volume in excess of 30,000 gallons in any 24 hour period may be required by the town to construct suitable storage tanks or equivalent devices according to towns specifications relating to type of construction, storage capacity, and similar matters. The control of the volume of discharges waste shall be by a waterworks type rate controller or equivalent device, the setting and operations of which shall be subject to the reasonable direction of the administrator.~~

~~(B) Whenever the total volume of wastes to be discharged by any person in any one day has considerable variation in pollutional value, the person may be required to construct holding or storage tanks in order to control the discharge of wastes over a 24 hour period. The tanks shall be in duplicate and be so equipped as to mix the waste so thoroughly that its quality will be uniform when discharged into the sanitary sewer system.~~

~~(C) Grease, oil, and sand interceptors shall be provided when in the opinion of the administrator they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. The interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hotels, hospitals, or other institutions. The interceptors shall be located as to be readily accessible for cleaning and inspection and shall be maintained by the owner at his expense in continuously efficient operation at all times.~~

~~(D) Plans, specifications, and other pertinent information relating to proposed preliminary treatment or handling facilities, including the construction of storage tanks, inspection or~~

~~control manholes, and controlling devices as required under this subchapter, shall be submitted to the administrator for approval, and no construction of the facilities shall be commenced until the approval is obtained in writing.~~

~~(E) Where preliminary treatment or handling facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.~~

~~(F) Users shall provide necessary wastewater pretreatment as required to comply with this subchapter and shall achieve compliance with all State and Federal pretreatment requirements and regulations within the appropriate and applicable time restrictions. Any facilities required to pretreat wastewater to a level acceptable to the town Town and its requirements shall be provided, operated and maintained at the user's expense.~~

~~(G) In the event the town Town's pretreatment requirements should prove stricter and exceed those of the State and Federal government, the town Town's requirements shall take precedence.~~

~~150.077 INSPECTION MANHOLE.~~

~~(A) Any person discharging industrial wastes into the town Town's sanitary sewer system may be required to construct and maintain a suitable inspection or control manhole either downstream from any treatment or storage facility or, if the facilities are not required, at or before the point where the wastes enter the sanitary sewer.~~

~~(B) The manhole shall be located and constructed in a manner approved by the administrator and shall contain the equipment determined by the administrator to be necessary for proper sampling and control of waste discharges.~~

~~150.078 DETERMINATION OF CHARACTER AND CONCENTRATION OF WASTES.~~

~~(A) Industrial waste discharged into the town's sanitary sewer system shall be subject to periodic inspection to determine the character and concentration of the waste, and the administrator shall conduct the inspections as often as deemed reasonably necessary to ensure compliance with the provisions of this subchapter.~~

~~(B) By making application for sanitary sewer service the industrial waste customer agrees that duly authorized and identified town employees shall be permitted to enter the premises under the customer's control to carry out the inspections required in division (A) above. Whenever feasible, the town shall notify the customer before carrying out the inspections.~~

~~(C) Inspections made pursuant to division (A) above do not relieve the person discharging wastes into the sanitary sewer system of responsibility for any loss, damage, or penalty resulting from the discharge of the wastes into the sanitary sewer system.~~

~~(D) Samples taken as part of the inspections authorized by this subchapter shall be collected in a manner as to be representative of the actual quality of the waste. Laboratory methods used in the examination of the waste shall be those set forth in A Standard Methods, @ as hereinbefore described, a copy of which is on file at the office of the administrator for inspection by interested parties.~~

~~150.079 AUTHORITY FOR TEMPORARY EXCLUSION.~~

~~Authority is hereby given to the administrator to exclude temporarily any industrial waste, whether pretreated or not, from the sanitary sewers whenever in his opinion the action is necessary for the purpose of determining the effects of the wastes upon any part of the sewage treatment system.~~

~~150.080 CHARGES FOR INDUSTRIAL WASTES.~~

~~(A) Customers discharging industrial wastes into the town's sanitary sewer system shall be subject to surcharges that reflect the additional treatment demands of industrial wastes. Therefore, the amount of an industrial waste customer's bill depends upon the character and concentration of the wastes discharged as well as the quantity. Charges will be in accordance with the schedule of rates set forth in 150.095.~~

~~(B) The volume of flow used in determining the total discharge of industrial wastes shall be based upon metered water consumption as shown in the records of meter readings maintained by the administrator.~~

~~(C) In the event that a person discharging wastes into the sanitary sewers produces evidence satisfactory to the administrator that more than 10% of the total volume of water used for all purposes does not reach the sanitary sewers, then the administrator and the customer may agree to use an estimated percentage of total water consumption as a basis for calculation of sewer use charged.~~

~~(D) Where a person discharging industrial wastes into the public sewers procures all or any part of his water supply from sources other than the town, the person so discharging the waste shall install and maintain at his own expense water meters of a type approved by the administrator for the purpose of determining the proper volume of industrial waste discharged to the sewers.~~

50.081 ACCIDENTAL DISCHARGES.

~~(A) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the administrator before the construction of the facility. No user who commences contribution to the sanitary sewers after the effective date of this subchapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this subchapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the administrator of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.~~

~~(B) Written Notice. Within five days following an accidental discharge, the user shall submit to the administrator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sanitary sewers, fish kills, or any other damage to person or property; nor shall the notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this subchapter or other applicable law.~~

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

50.600 RESERVED

50.700 RESERVED

RATES AND, CHARGES, & BILLING PROCEDURES

50.09550.800 RATE SCHEDULE INCORPORATED BY REFERENCE.

~~The rate schedule for all fees and charges established by or described or referred to in this subchapter shall be adopted and reversed from time to time by the Board by resolution. A current copy of the rate schedule shall be kept on file in the office of the town Town clerk, and this schedule is incorporated herein by reference.~~

Any premises which is subject to the connection provisions of this chapter or which has any connection with the Town's water or sewer system shall pay all connection fees, availability fees, service charges, rates, and any and all other charges adopted by the Board of Commissioners as appropriate to operate a financially sound public enterprise (NCGS 160A-314). This schedule shall be established by the Board of Commissioners and kept on file in the office of the Town Clerk.

50.801 READING METERS.

(A) The Town Manager shall determine billing schedules and procedures.

(B) The Director of Public Works shall read or cause to be read every water meter used in the Town at times as are necessary so that bills may be sent out at the proper time.

50.802 TESTING METERS.

Meters shall be tested upon request of any water customer. The Director of Public Works shall determine if a meter is not functioning properly and report his findings to the customer. A meter testing fee shall be charged to the customer requesting testing. If the water meter is revealed to be inaccurate beyond the parameters guaranteed by the meter's manufacturer and this inaccuracy has resulted in "over-billing" of the customer, the meter fee will be reimbursed to the customer and prior charges will be adjusted in accordance with Section 50.805.

50.096 MINIMUM SERVICE CHARGE.

~~(A) The minimum service charge, as provided in the rate schedule, shall be made for each occupied unit regardless of location.~~

~~(B) The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied.~~

~~(C) Charges for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.~~

50.803 CUSTOMER DEPOSITS

(A) The Town shall require an applicant for new utility service to pay a non-interest bearing utility deposit regardless of the circumstances. A separate deposit may be required for each utility type. The required deposit may vary depending on customer classification (residential, commercial, industrial) or meter size so as to appropriately protect the Town from financial loss. Deposit amounts shall be set by the Board of Commissioners as established in 50.800.

(B) The Town may require an amount double that of required deposit from a customer for new or continuation of service if during any consecutive 12 billings for that prior service the customer had service discontinued for nonpayment of a bill; or had more than two occasions in which a bill was not paid when it became due; or had one of his or her checks or ACH drafts given in payment of a bill dishonored.

(C) Schools, colleges, hospitals, and agencies which are publicly funded shall be exempt from furnishing deposits for utility services.

(D) When a customer has furnished a deposit to guarantee payment of utility bills and service has been terminated, the deposit will be applied to any unpaid charges or indebtedness due to the Town and the balance refunded to the customer.

50.804 BILLING POLICIES

The billing procedures expressed in earlier applicable sections of this subchapter shall be adhered to strictly.

(A) In the event of a faulty water meter or any other circumstances involving fault on the part of the Town that renders an accurate measure of a customer's water consumption unavailable, prior water consumption by the customer and the water consumption experience of similar customers shall be considered in fixing the charges to the customer for any period in question.

(B) Breaks or leaks on the customer's side of the water meter shall be the customer's responsibility and shall not be a reason to reduce the customer's water charges from the Town.

(C) The filing of a complaint regarding a water or sewer bill shall not affect the obligation of the customer to pay in a timely fashion any bill rendered by the Town for water service as required by this subchapter. The Town Manager shall be authorized to allow a customer to delay payment of a disputed water bill without penalty until the complaint is resolved. If a customer is still not satisfied with the Town Manager's decision he/she may appeal to the Board of Commissioners in person or writing. The Town Manager shall make available all

information regarding the complaint at which time the Board of Commissioners will make a decision.

(D) Special billings for services or expenses incurred in connection with the provision of a utility service, including, but not limited to, the things as connection fees, cut off fees, reconnection fees, surcharges, testing fees, inspection fees, and the like, may be rendered at times as may be convenient by separate bill or on the customers regular bill for service. Special bills are due and payable upon receipt and are otherwise subject to the same provisions of this subchapter as regular bills.

50.805 ADJUSTMENTS

Utility bills shall not normally be adjusted unless circumstances arise which warrant an adjustment. No town official shall be authorized to adjust any customer charges except as provided below.

(A) The Finance Director shall be authorized to adjust:

- (1) charges that are found to have been applied in error or as indicated in 50.805;
- (2) sewer charges if the customer demonstrates to satisfaction of the Public Works Director that: a water leak that could not have been prevented has occurred, the leaking water did not enter the sewer system, and the amount of leaked water can be reasonably estimated;

(B) The Town Manager shall be authorized to adjust penalties, reconnection fees, and other administrative charges based on reasonable administrative or operational interests.

(C) The Board of Commissioners may at its discretion adjust or waive any charges in cases of unusual or exigent circumstances. The Board shall only do so within the confines of state law and in consultation with the Town Manager and Town Attorney.

50.806 TEMPORARY WATER SERVICES

During the construction of any structure and before any water system is installed therein as is provided in this subchapter, the contractor constructing the structure may be permitted to use the Town water supply by making application therefore and by paying any applicable fees.

Water may be turned on temporarily for construction work at construction sites and unfinished structures subject to the provisions of this subchapter and any reasonable conditions as may be required by the Public Works Director.

ADMINISTRATION AND ENFORCEMENT

50.110-50.900 ACCESS TO PREMISES.

Duly authorized agents of the ~~town~~Town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing ~~town~~Town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection with the ~~town~~Town's service or facilities. Application for service shall constitute consent by the customer to access to his premises for these purposes.

(Ord. passed 8-9-88)

50.901 SALE OR RESALE OF WATER PROHIBITED.

No recipient of Town supplied water and no producer of well water shall sell, resell, supply or distribute water for profit to any other person or premises except as specifically allowed by this subchapter except in case of emergency. It is the policy of the Town that no individual or group of individuals shall profit from the distribution of Town supplied water to third parties.

50.11150.902 EMERGENCY ACTION AND ABATEMENT

In the interest of the public health and safety, the ~~administrator~~Public Works Director and ~~duly authorized representatives~~ shall be permitted to take the emergency action and may be deemed necessary ~~in for the continued~~ operation of the sewagewater or sewer system, including, but not limited to, the right to close down any sewer or portion of the sewage system for the purpose of making connections, alterations, or repairs. ~~This shall include making emergency repairs or abating nuisances in private utility systems connected or reasonably believed to be connected to the town's water or sewer system. Any work performed under this authority shall be done at the expense of the customer, or property owner causing a need for emergency action or abatement.~~

(Ord. passed 8-9-88)

50.112-903 ADDITIONAL REMEDIES.

(A) Termination of service in accordance with state law is a remedy available to the ~~town~~Town to enforce any of the provisions of this subchapter.

(B) The ~~town~~Town may seek to enforce any of the provisions of this subchapter through any appropriate equitable action.

(C) If a violation of any of the provisions of this subchapter results in a danger to the public health or safety, the ~~town~~Town may abate a nuisance through the procedures set forth in this code.

50.999 PENALTY.

~~(A) A violation of " 50.030, 50.031, 50.071, 50.072, 50.076, 50.077, 50.078 shall constitute a misdemeanor, punishable as provided in G.S. ' 14 4(a).~~

~~(B) A violation of any of the sections listed in division (A) above other than ' 50.072 shall subject the offender to a civil penalty of \$25. A violation of any of the provisions of ' 50.072 shall subject the offender to a civil penalty of \$200. If a person fails to pay this penalty within ten days after being cited for a violation, the townTown may seek to recover the penalty by filing a civil action in a nature of the debt.~~

~~(C) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.~~

50.904 PENALTY.

(A) Any violation of this chapter shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation which must be paid within 72 hours from the time it is issued and served.

(B) Any violation of the provisions of this chapter shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$50 or imprisonment not to exceed 30 days as provided by NCGS 14-4 and in addition thereto the violation may be enjoined and restrained as provided in NCGS 160A-175.

(C) Any person causing malicious or negligent damage to the water or sewer system will be subject to tampering fee set by the Board of Commissioners in addition to being charged for any expenses incurred by the Town as a direct or indirect result of said malice or negligence.

Part 2. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 7th day of October, 2014.

ATTEST:

Kim Greene, Town Clerk

Max J. Hamrick, Mayor

**ORDINANCE AMENDING CHAPTER 51 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 141007.02**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 7th day of October, 2014,

Part 1. That "Chapter 51: WATER REGULATIONS" is hereby amended and adopted to read as follows:

~~CHAPTER 51: WATER REGULATIONS
RESERVED~~

GENERAL PROVISIONS

~~51.01 OPERATION OF SYSTEM BY TOWN; BOARD OF COMMISSIONERS TO REGULATE.~~

~~The water system of the town shall be owned and operated solely by the town. The responsibility for establishing and adopting rules, regulations, policies and procedures for its operation is vested in the Board of Commissioners.~~

~~51.02 PERMIT FOR CONNECTION REQUIRED; APPLICATION.~~

~~(A) No person shall connect or be allowed to connect with the town water system until application for permission to do so has been made in writing to the town clerk. This application shall contain an agreement by the applicant to abide by all provisions of this subchapter as conditions governing the use of town water. The application shall be accompanied by the fees a user deposits as may from time to time be required by the Board of Commissioners for establishment of water service and other related services.~~

~~(B) Applications completed and submitted to the town for a water connection or water service shall constitute consent and agreement on the applicants part for town employees and agents to enter upon the premises served at reasonable times and in a reasonable manner to perform the work and activities as may be required to fulfill the purposes and intent of this subchapter and to ensure compliance with the provisions of this subchapter.~~

~~(C) So as to avoid the perpetuation and installation of private wells and private septic tank systems and to protect the health and safety of the residents of the town and surrounding area, no application for water service or sewer service for any premises to which the town's water distribution system or sanitary system are both available as provided by this subchapter shall be granted unless the applicant requests both water and sewer service from the town.~~

~~§ 51.03 INSTALLATION OF WATER TAPS TO COMPLY WITH APPLICABLE LOCAL, COUNTY, STATE AND FEDERAL REGULATIONS; TEMPORARY SERVICE.~~

~~No water tap shall be installed nor any water turned on for service to or for any premises in which the plumbing does not comply with the applicable local, county, state and federal building and housing codes or any applicable town subchapters. Water may be turned on temporarily for construction work at construction sites and unfinished structures subject to the provisions of this subchapter and any 2003 § 7 Water Regulations 25 reasonable conditions as may be required by the town.~~

~~§ 51.04 CONNECTION TO TOWN'S WATER SYSTEM; REQUIREMENTS.~~

~~(A) Separate water connections are required for each business or structure receiving water service from the town. Mobile home parks and multi-unit housing complexes under single ownership shall be exempt from this requirement with prior approval from the town. Connections to the town's water system, once made, shall be owned, operated and maintained by the town. Service pipes and lines running from the connection point with the town system to the premises served shall be and remain owned by the property owner. The town shall have no responsibility for those pipes and lines from the connection point to the premises. Connection point shall be defined as the point where the meter is located and directly connected to the customer's service line.~~

~~(B) Certain circumstances and instances require connection to the town's water system.~~

~~(C) All owners of property within the town's limits and upon which an improved premises or other structure is located within 200 feet of any water line owned and operated by the town shall connect the premises with the town water system and shall use town-supplied water as the primary supply for the premises.~~

~~(D) Upon completion of any extension of the town's water system or upon any extension of the town's corporate limits a notice shall be sent to owners of property within the town limits and within 200 feet of a town-owned water line advising the property owner of this section and allowing the property owner 180 days from the date of the notice to submit a proper application for connection to the town's water system of any premises within 200 feet of any town-owned water line.~~

~~(E) Any property owner who is obligated by this subchapter to connect to the town's water system but fails to make or to maintain the connection shall be assessed a water availability charge equal to the town's minimum monthly water service charge.~~

~~(F) No water from the town's water system shall be turned on for service to any premises by any person except the director of public works or some person authorized by him to perform this service.~~

~~§ 51.05 SECONDARY TAPS AND WELLS.~~

~~(A) Upon completion of proper application for service and payment of fees as may from time to time be required, a property owner who is otherwise in compliance with this subchapter may be allowed to tap onto the town water system for noncommercial, non-household consumption, including, but not limited to, heating and cooling systems, irrigation, swimming pools and other uses where any wastewater cannot reasonably be expected to enter the town's sanitary sewer system. The town will not assess sewer charges in connection with a secondary water tap installed and utilized in accordance with this subchapter.~~

~~(B) Owners of property subject to the mandatory connection requirements of this subchapter shall also be allowed to have and use private wells, subject to the provisions contained herein.~~

~~(1) Users of private wells shall notify the town in writing of the existence and location of each well and the uses made of the water from a well. The town will not assess charges for consumption of water from private wells when no portion of the wastewater from the well can reasonably be expected to enter the town's sanitary sewer system.~~

~~(2) The introduction of water from private wells into the town's wastewater system will not be permitted. A private well shall not be used in conjunction with or mixed in any manner with the town's water and water distribution system.~~

~~§ 51.06 SALE OR RESALE OF WATER PROHIBITED.~~

~~No recipient of town-supplied water and no producer of well water shall sell, resell, supply or distribute water for profit to any other person or premises except as specifically allowed by this subchapter except in case of emergency. It is the policy of the town that no individual or group of individuals shall profit from the distribution of town-supplied water to third parties.~~

~~§ 51.07 TAMPERING WITH OR DAMAGING WATER SYSTEM.~~

~~It is unlawful for any person not authorized by the town to tamper with, damage, use, alter or injure any part of the town water storage, waterworks, water supply and distribution system, meter or fire hydrant. Any person not complying with this subchapter will be charged a tampering penalty as set from time to time by the Board of Commissioners. The connection or reconnection of water service by anyone other than the director of public works or his designate shall be considered a violation of this subchapter.~~

~~§ 51.08 CONNECTION WITH WATER DISTRIBUTION SYSTEM; APPLICATION; INSTALLATION.~~

~~(A) No connection with the town's water distribution system shall be made without permission from the director of public works and 24-hour notice being given to the director of public works. All connections shall be made and all work done and materials used provided at the expense of the applicant. All connections shall be made under the supervision of the director of public works, by town employees or plumbers approved by the director of public works. No connection shall be covered until approved by the director of public works or his designee.~~

~~(B) Applications for connections shall be made to the assistant clerk upon forms approved by the town administrator. A fee for each water connection (which shall be set from time to time by the Board of Commissioners) shall be paid with each application.~~

~~(C) Installation. All service pipes from connection point to the premises served shall be installed by and at the cost of the owner of the property to be served or the applicant for service. The installation shall be under the inspection of the appropriate building inspector. No service shall be installed except in conformity with applicable building and plumbing codes and reasonable requirements as the Building Inspector or the public works director may demand for a particular premises for the protection of the public health, and safety and the town's water system.~~

~~§ 51.09 REPAIRS AND EXCAVATIONS.~~

~~All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owner of the premises served. In the case of an emergency, the town may repair any service pipes; if this is done, the cost of the repair work shall be paid to the town by the owner or water customer of the premises served.~~

~~§ 51.10 SHUT-OFF BOXES.~~

~~Shut-off boxes or service boxes shall be placed on every service pipe. These boxes shall normally contain or access the water meter for the service pipe. The service boxes shall be located between the curblines and the sidewalk line wherever this is practicable. The boxes shall be located that they are easily accessible and shall be protected from frost and freezing.~~

METERS

~~§ 51.25 METERS REQUIRED.~~

~~All premises using the town water supply must be equipped with an adequate water meter furnished by the town but paid for by the property owner or customer upon installation. If for any reason a water meter is not or cannot be installed at the time water service is required, then upon approval of the town administrator, water service may be supplied by the town at a flat rate until a meter may be installed.~~

~~§ 51.26 INSTALLATION SPECIFICATIONS.~~

~~Meters shall be installed in a location that is easily accessible when possible. No person shall obstruct, damage, vandalize, tamper with or do any other thing which could reasonably have the effect of defeating the purpose of the water meter or inhibiting the reading thereof. Meters shall normally be installed at the point of connection between the town water distribution system and the pipe serving the customer's premises. All water meters shall become the property of the town after initial installation.~~

~~§ 51.27 READING METERS.~~

~~(A) The director of public works shall read or cause to be read every water meter used in the town at times as are necessary so that bills may be sent out at the proper time. 28 Boiling Springs—Public Works~~

~~(B) The town administrator shall determine billing procedures and period after consulting with the director of public works and water billing agent.~~

~~§ 51.28 TESTING METERS.~~

~~Meters shall be tested upon request of a water customer. The director of public works shall determine if a meter is not functioning properly and report his findings. The director of public works shall take the action as necessary to provide an accurate water meter. A meter testing fee shall be charged to a customer requesting testing if the meter proves to be accurate. This fee shall be set from time to time by the Board of Commissioners.~~

EMERGENCY WATER CONSERVATION PLAN

~~§ 51.40 DECLARATION.~~

~~Whenever the water supply of the town of Boiling Springs's public water system is low or declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below.~~

~~§ 51.41 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly requires or indicates a different meaning.~~

~~CUSTOMER. A person in whose name a water connection is made and to whom a bill is issued, whether the connection is inside or outside the corporate limits of the town.~~

~~NOTICE shall have the meaning set forth in § 51.43 herein.~~

~~PERSON. Any person, firm, partnership, association, corporation, limited liability company, professional association or organization of any kind.~~

~~STAGE. Any one of the three stages or levels of severity of WATER SHORTAGE as designated herein.~~

~~TOWN. The town of Boiling Springs.~~

~~WATER. Raw or treated water from the town public water supply system.~~

~~WATER SHORTAGE. Whenever the water supply of the town's public water system is low or declining.~~

~~§ 51.42 GENERAL.~~

~~A water shortage shall be declared to exist when the water supply available to the town shall have declined to where the customers cannot be provided with water to protect their health and safety without substantially curtailing the water demand.~~

~~§ 51.43 NOTICE TO GENERAL PUBLIC OF WATER SHORTAGE.~~

~~(A) In the event of a water shortage in the town water supply threatening the health and safety of the customers as determined by the Public Works Director, the Town Administrator is authorized and empowered to give notice to the public of the existence of the water shortage and the severity thereof as follows:~~

~~(1) In order to protect the health and safety of the customers served by the town, the Town Administrator shall place in effect the appropriate restrictive stage hereinafter~~

authorized and any specific directives necessary for effective implementation of any such stage. Notice of such restrictive stage and specific directives implementing such stage shall be given by the Town Administrator through public written notice of the appropriate water shortage stage and related directives, to be effective within 24 hours following the issuance thereof;

(2) In the event of a sudden severe water shortage caused by a disrupted waterline or some other malfunction of the town's water system, the Public Works Director shall immediately advise the Town Administrator, and the Town Administrator may immediately, without notice, place into effect the appropriate water shortage stage hereinafter authorized and any appropriate directives associated therewith.

(B) Once a state of water shortage is declared, the Public Works Director and/or his or her designee shall review the supply of water available to the town system at least once per day. Following such periodic review, the Public Works Director shall notify the Town Administrator of available water supply and recommend appropriate action.

~~§ 51.44 COMPLIANCE REQUIRED IN THE EVENT OF WATER SHORTAGE.~~

(A) In the event the Town Administrator issues the notice described in § 51.43 as to a Stage II or III Water Shortage, it shall thereafter be unlawful for any person to use or permit the use of water from the water system or from a water system served by the town for any of the hereinafter set forth prohibited purposes until such time as this subchapter is amended or repealed, or until the Town Administrator has declared such water usage restrictions are no longer in effect.

(B) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential customers by the Town Administrator and which may be applicable to any person, except to the extent such compliance will reasonably endanger the health of the patients or residents of the facilities.

(C) Hospitals, nursing homes and health care facilities shall survey their water usage patterns and requirements and implement substitute conservation measures as may be reasonably possible without endangering the health of their patients or residents to achieve a reasonable reduction in the facilities' water usage.

' 51.45 RESTRICTIONS.

The severity of the water shortages shall be determined primarily by following the criteria determined by the Public Works Director, in consultation with representatives from the town's water supply source, or his or her designee, including the availability of raw water supply, the town's water storage capacity, predicted weather conditions, predicted changes in demand and similar factors as they may exist from time to time. The restrictive measures in effect at each stage are as follows:

(A) Stage I Water Conservation Alert. Upon determining that there is a water shortage, the Public Works Director shall immediately notify the Town Administrator and make appropriate written recommendations. Upon such notification, the Town Administrator shall review these written recommendations and may, if appropriate, declare a Stage I Water Conservation Alert. After complying with the notice provisions contained in ' 51.43, the following water restrictions and conservation measures shall be encouraged, recommended and requested:

- (1) Inspect and repair all faulty and defective parts of faucets and toilets causing water waste;
- (2) Use shower for bathing rather than bathtub and limit shower to no more than five minutes;
- (3) Do not leave faucets running while shaving, rinsing dishes or brushing teeth;
- (4) Limit use of clothes washers and dishwashers and when used, operate fully loaded;
- (5) Limit lawn watering to that necessary for plant survival;
- (6) Water shrubbery the minimum required, reusing household water when possible;
- (7) Limit vehicle washing;
- (8) Do not wash down outside areas such as sidewalks, patios, driveways and the like;
- (9) Install water flow restrictions in showerheads and other water saving devices;
- (10) Use disposable and biodegradable dishes when possible;
- (11) Install water saving devices in toilets;
- (12) Limit hours of operation of water cooled air conditioners;
- (13) Do not fill outdoor swimming or wading pools;
- (14) Water supply line pressure should be reduced in order to reduce water consumption where feasible and reasonable;
- (15) Conservation in public buildings, institutions, dormitories and similar facilities is encouraged;
- (16) Water conservation should be followed during all phases of construction related activities. Where available, water needed should be obtained from supplemental sources;
- (17) To do everything else that is reasonable to accomplish water conservation.

(B) Stage II Water Shortage. In the event the above listed voluntary restrictions are not sufficient to alleviate reductions in water supply reserves, the Public Works Director shall so notify the Town Administrator in writing. Upon such notification, the Town Administrator may, if appropriate, declare a Stage II Water Shortage. After complying with those notice provisions contained in '51.43, the following mandatory water restrictions shall be imposed. Except as permitted or required by public directives issued and promulgated by the Town Administrator from time to time during the existence of a Stage II Water Shortage, it shall thereafter be unlawful for a customer to:

- (1) Fail to take all actions requested in Stage I. All of such actions are incorporated herein by reference as mandatory requirements, along with the following more restrictive measures where applicable;
- (2) Water lawns, grass, shrubbery, trees, ornamental plants, flowers and vegetable gardens except by hand-held container (bucket, jug and the like). The use of water hoses to transfer water more than three feet to a container is prohibited. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time for irrigation of its commercial stock in trade;
- (3) Water newly sewn lawns or to plant new ornamental plants;
- (4) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected;
- (5) Wash automobiles, truck, trailers, boats, airplanes or any other type of mobile equipment, except that parts of vehicles may be washed where required by federal, state or local laws or for safety reasons. Provided, however, that any commercial or business-operated car wash facility shall be permitted to use water for such purposes. Further, a person regularly engaged in the sale and/or renting of motor vehicles shall be permitted to use water for the cleaning of its commercial stock. However, any such person shall ensure that water is not wasted;
- (6) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate. However, any such facility's owner/operator shall ensure that water is not wasted;
- (7) Operate or introduce water, except where such water is totally recycled, into any outdoor pool, pond, ornamental fountain or other structure making similar use of water;
- (8) Serve drinking water in restaurants, cafeterias or other food establishments, except upon specific request;
- (9) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency. Water use for normal maintenance of water and/or sewer lines is permitted;

~~(10) Use water for dust control or compaction; however, licensed contractors engaged in construction activities shall be permitted to operate essential dust control and compaction activities. Commercial, industrial and construction operations shall eliminate all waste of water;~~

~~(11) Use water for any unnecessary purpose or to waste water.~~

~~(C) Stage III Water Shortage Emergency. In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves, the Public Works Director shall so notify the Town Administrator in writing, who shall promptly notify the Board of Commissioners. Upon such notification, the Town Board of Commissioners may declare a Stage III Water Shortage Emergency to exist. After complying with the notice provisions contained in '51.43, the following mandatory water restrictions shall be imposed:~~

~~(1) All use of water for purposes other than maintenance of public health and safety is prohibited;~~

~~(2) Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene;~~

~~(3) Where the town system is not functional, national guard, emergency service vehicles and private water sources may be utilized to distribute water for household use at prearranged locations within the affected area(s).~~

~~'51.46 COMPLIANCE.~~

~~Compliance with the provisions of this subchapter shall be enforced by personnel of the Utilities Department, the Police Department and other such personnel as designated by the Town Administrator. Failure to comply with any of the regulations of this subchapter shall be unlawful and a violation of the subchapter and all remedies authorized by law for noncompliance with this subchapter, including the issuance of a civil citation as hereinafter set forth or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance herewith, to use water in any illegal manner or to attempt to evade or avoid such water restrictions.~~

~~'51.47 SIGNAGE.~~

~~The customer who has a town water service connection, but wishes to use water from a well or other non-town supply during a Stage II Water Shortage or Stage III Water Shortage Emergency shall post a sign in a conspicuous place identifying the water use source as a non-town supply. The owner of any such well may be requested by town personnel to demonstrate that the source of such water is not in any way connected to and does not use water originating from the town's public water system. During a Stage III Water Shortage Emergency, the well shall be available to the town.~~

~~§ 51.48 DISCONTINUANCE OF SERVICE.~~

~~(A) The Public Works Director is herewith authorized to discontinue or restrict water service to a person in the event of a violation of the provisions of this subchapter during a Stage II or Stage III Water Shortage. All applicable penalty fees (such as a reconnect fee) may be applied in the event of service suspensions. Any payment after 3:00 p.m. may incur additional reconnection charges.~~

~~(B) No notice shall be required to discontinue or turn off outside water service, which is provided solely for lawn and shrubbery sprinkler systems, swimming pools or non-essential uses.~~

~~(C) When a water service has been discontinued or turned off or while any stage of a water shortage is in effect, it shall be unlawful to reactivate such service without the permission of the Public Works Director or his or her designee.~~

~~(D) In the event of continued non-compliance with this subchapter, the meter may be removed and service may be discontinued. Tap fees and deposits may be forfeited.~~

~~RATES, BILLINGS AND CUSTOMER SERVICE~~

~~§ 51.60 RESIDENTIAL CUSTOMER DEPOSIT.~~

~~(A) The town shall require an applicant for new utility service to pay a utility deposit regardless of the circumstances. The Town Administrator shall make a recommendation to the to set an amount for utility deposits. This amount may be changed at the discretion of the Board of Commissioners.~~

~~(B) The town may require an amount double that of required deposit from a customer for new or continuation of service if during any consecutive 12 billings for that prior service the customer had service discontinued for nonpayment of a bill; or had more than two occasions in which a bill was not paid when it became due; or had one of his or her checks given in payment of a bill dishonored. The town may require any customer who has had a check dishonored in payment of a bill to pay all utility bills in cash only.~~

~~(C) The town may refund the deposit of any residential customer whose account has not been delinquent for a period of 12 consecutive months. However, any customer whose deposit has been refunded, who shall subsequently have a delinquent account, may be required by the Finance Director to post deposits before utility services are connected, reconnected or continued. Such deposits may be refunded if the customer's account subsequently has not been delinquent for the required 12 consecutive months.~~

~~' 51.61 BUSINESS, COMMERCIAL AND INDUSTRIAL CUSTOMER DEPOSITS.~~

~~(A) Since the accumulation of unpaid bills would tend toward higher utility rates for all customers, the town shall, before commencement of service, require a deposit for each type of utility service desired. The amount of the deposit shall be established by adoption of an annual fee schedule included in the town's annual budget by the Town Board of Commissioners. The town shall refund the deposit of any customer whose account has not been delinquent for a period of 12 consecutive months. However, any customer whose deposit has been refunded, who shall subsequently have a delinquent account, may be required by the Finance Director to post deposits before utility services are reconnected or continued. Such deposits shall be refunded if the customer's account subsequently has not been delinquent for the required 12 consecutive months.~~

~~(B) In lieu of full deposits for each type of utility service, the town may accept written letters from other utility companies or other municipalities which indicate that the customer was a good customer of the utility or municipality for at least 12 full months and had not previously had an account delinquent for the previous 12 months.~~

~~' 51.62 EXEMPTION FROM DEPOSIT REQUIREMENTS.~~

~~Schools, colleges, hospitals, and agencies which are publicly funded shall be exempt from furnishing deposits for utility services.~~

~~' 51.63 REFUND/FINAL DISPOSITION OF DEPOSIT.~~

~~When a customer has furnished a deposit to guarantee payment of utility bills and service has been terminated, the deposit will be applied to any unpaid charges or indebtedness due to the town and the balance refunded to the customer.~~

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~~' 51.64 RATES.~~

~~Any premises which is subject to the mandatory connection provisions of this subchapter or which has any connection with the town's water system shall pay water connection fees, water availability or service charges and water rates as appropriate, as the same shall be determined from time to time by the Board of Commissioners and kept on file in the office of the town clerk.~~

~~§ 51.65 BILLING POLICIES.~~

~~The billing procedures expressed in earlier applicable sections of this subchapter shall be adhered to strictly.~~

~~(A) In the event of a faulty water meter or any other circumstances involving fault on the part of the town that renders an accurate measure of a customer's water consumption unavailable, prior water consumption by the customer and the water consumption experience of similar customers shall be considered in fixing the charges to the customer for any period in question.~~

~~(B) Breaks or leaks on the customer's side of the water meter shall be the customer's responsibility and shall not be a reason to reduce the customer's water charges from the town.~~

~~(C) The filing of a complaint regarding a water bill shall not affect the obligation of the customer to pay in a timely fashion any bill rendered by the town for water service as required by this subchapter. The town administrator shall be authorized to allow a customer to delay payment of a disputed water bill without penalty until the complaint is resolved. If a customer is still not satisfied with the town administrator's decision he/she may appeal to the Board of Commissioners in person or writing. The town administrator shall make available all information regarding the complaint at which time the Board of Commissioners will make a decision.~~

~~(D) Special billings for services or expenses incurred in connection with the provision of a utility service, including, but not limited to, the things as connection fees, cut off fees, reconnection fees, surcharges, testing fees, inspection fees, and the like, may be rendered at times as may be convenient by separate bill or on the customers regular bill for service. Special bills are due and payable upon receipt and are otherwise subject to the same provisions of this subchapter as regular bills. Bills for water used and related charges shall be dated and sent out at times as may be authorized by the Board of Commissioners and directed by the town administrator.~~

~~§ 51.66 ADJUSTMENTS.~~

~~Utility bills shall not normally be adjusted unless circumstances arise which warrant an adjustment. It shall be the duty of the Board of Commissioners to decide if an adjustment is warranted. The Board of Commissioners may at its discretion prescribe any condition such as documentation of a leak or other circumstances. Wastewater charges shall be the only part of the utility bill which can be adjusted under this subchapter. Water charges shall not be adjusted unless a meter is properly tested and found to be in error. This shall also be at the discretion of the Board of Commissioners.~~

~~§ 51.67 CONSTRUCTION PROJECTS.~~

~~During the construction of any structure and before any water system is installed therein as is provided in this subchapter, the contractor constructing the structure may be permitted to use the town water supply by making application therefore and by paying the fees as may be prescribed by the Board of Commissioners and recommended by the town administrator.~~

~~§ 51.68 PAYMENT/NONPAYMENT OF CHARGES.~~

~~(A) Customers may make payment for utility service and related charges to the town at town hall either in person or by mail. Payment may be made by cash, check or money order. Checks which are returned to the town after being dishonored shall be subject to returned check fee equal to the maximum allowed by law, and the returned check service fee may be added to the customer's utility bill.~~

~~(B) The provisions of this subchapter regarding discontinuation of service for nonpayment of charges apply to the town's water customers. Once shut off, water service shall not be restored except upon payment of all unpaid water and sewer charges and payment of the usual fee for turning on water service and deposits as may be required.~~

~~§ 51.69 DISCONTINUANCE OF SERVICE.~~

~~(A) Discontinuance requested by customer. In order to assure discontinuance of service at a time requested by the customer, notice to the town in advance of the proposed time of discontinuance shall be required. When a customer desires to discontinue service, he shall give notice to the town at least 24 hours in advance and the customer will be responsible for all service consumed within the 24 hours following the time of his notice to the town.~~

~~(B) Criteria for discontinuance. The town may discontinue utility service to a customer or premises for one or more of the following reasons:~~

- ~~(1) Upon request of the customer or property owner.~~
- ~~(2) Failure of a customer to pay any bill, fee or charge rendered in connection with the provision of a utility service within the time allowed by town policy.~~
- ~~(3) Failure of a customer to make a deposit or to increase a previously paid debt when required to do so.~~
- ~~(4) Determination by the town administrator that the property owner or customer has a prior unpaid bill for any utility due to the town.~~
- ~~(5) Refusal to permit access by town employees or agents to a premises when the access is required under this subchapter.~~
- ~~(6) Damage to or loss of town-owned property, equipment or facilities due to action or negligence of the customer or discharge from the customer's premises.~~
- ~~(7) Determination by the town administrator that the property owner or customer has violated or is violating any provisions of the subchapter or policy or other applicable law relating to the utilization of town utility services.~~

~~(C) Any residential customer who shall violate any provision of " 51.40 - 51.48 shall be subject to civil penalties as follows: a fine in the amount of \$100 per violation which shall be paid within 48 hours of its assessment, or the town may terminate the water supply to the customer. Each violation of " 51.40 - 51.48 shall be considered a separate violation. Each violation for the various stages hereunder shall be considered a separate violation.~~

~~(D) Any non-residential customer who violates any provision of " 51.40 - 51.48 shall be subject to a civil penalty as follows: a fine in the amount of \$200 for the first violation; a fine in the amount of \$500 for the second violation; and a fine in the amount of \$1,000 for the third and each successive violation. Each violation of " 51.40 - 51.48 shall be considered a separate violation. Each violation for the various stages hereunder shall be considered a separate violation.~~

~~(E) For a period of 12 successive months, violations shall be accumulated by all customers so long as any of the stages set forth herein are in effect. Should a customer cease and renew service during the stages described herein, the customer's violation shall continue to accumulate as if such cessation had not occurred.~~

Part 2. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 7th day of October, 2014.

ATTEST:

Kim Greene, Town Clerk

Max J. Hamrick, Mayor