

## CHAPTER 50: WATER AND SEWER 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.

**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.

**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.

**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.

**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.

**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, 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, 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.

## 50.004 RESPONSIBILITY OF TOWN AND CUSTOMERS

### (A) The Town shall:

- (1) Maintain Town owned water and sewer infrastructure
- (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 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.
- (2) Guarantee protection for Town facilities or equipment located on the customer's property;
- (3) Pay the cost of relocating Town-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 Public Works Director;
- (7) Install a sewer cleanout to Town specifications if deemed by the Public Works Director;
- (8) Be responsible to the Town for damage to Town property that is the fault of the customer.
- (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**

### **50.100 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 all applicable regulations.

### **50.101 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 permit from Cleveland County.

### **50.102 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.

### **50.103 DISCHARGE INTO NATURAL OUTLET PROHIBITED.**

No septic tank or cesspool shall be permitted to discharge to any natural outlet.

### **50.104 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.

### **50.105 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS.**

No statement contained in this subchapter shall be construed to interfere with the authority and regulations of the State of North Carolina, Cleveland County, or other authority which may impose regulations on private wastewater disposal systems, equipment, or processes.

### **50.106 CONNECTING TO PUBLIC SEWER.**

As indicated in Section 50.200, upon notification by the 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 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

### 50.200 CONNECTION REQUIRED UPON AVAILABILITY OF SERVICE

(A) In accordance with NCGS 160A-317, every person who owns improved property within the corporate limits of the Town shall be required to apply for connection to the water and sewer systems, within 30 days of receipt of notice from the Town. 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 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) 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.

(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.

## **50.201 PERMIT REQUIRED**

(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.

## **50.202 REJECTION OF PERMIT APPLICATION**

Upon application for a connection permit, the 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 affect the supply of water to other customers or will adversely affect the Town's sewage treatment capabilities;

(D) Other good and sufficient reasons.

### **50.203 CONSTRUCTION OF CONNECTIONS**

(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.

#### **50.207 SEPARATE CONNECTIONS REQUIRED**

(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.

**50.208 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 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 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 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 Engineer.

**50.209 INSPECTION BY TOWN.**

By making application for service the customer agrees that the Town and it's 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 water and sewer systems. The Town shall be given notice to inspect before the pipes are covered and the systems are connected.

**50.210 MAINTENANCE OF PRIVATE DISTRIBUTION AND COLLECTION SYSTEM.**

In addition to the requirements of 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 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 may summarily abate the nuisance and bill the lot owner for costs incurred by the Town.

## **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**

### **50.300 EXTENSIONS OF SERVICE TO IN-TOWN PROPERTY.**

The Town recognizes 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 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's sewage treatment capabilities.
  
- (C) Other good and sufficient reasons.

### **50.302 EXTENSIONS TO DEVELOPED PROPERTY WITHIN TOWN.**

- (A) Except as provided in 50.303, the cost of extending water or sewer service to properties within the corporate limits shall be borne initially by the Town. However, the 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 50.303, water and sewer main extensions to serve properties within the town shall be done by Town forces or under a contract let by the 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 across private property, unless the Town has obtained adequate permanent easements for the lines.
  
- (D) To preserve road surfaces, whenever the Town installs water or sewer line extensions in paved streets within the town, (as well as whenever the Town paves unpaved streets where water or sewer lines exist), the 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.

### **50.303 EXTENSIONS TO 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.

(B) Town The responsibility for extending water and sewer lines to or within new subdivisions or other new developments lies with the subdivider or developer, although the Town may in its discretion contract with the subdivider or developer to install the water or sewer lines with Town forces.

(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 Town 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 Town 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 Town'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.

### **50.304 EXTENSIONS OUTSIDE OF TOWN.**

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

(B) Any owner of property who now has an extension of the Town'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 Town. 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 Town'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 Town 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 Town shall be borne by the subdivider or developer.

### **50.305 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.

**50.306 INSPECTION BY TOWN OF WORK DONE BY OTHERS.**

(A) All work on the extension of water or sewer lines 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:

(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 personnel or an agent of the Town at the expense of the applicant.

(B) Inspection of a project by the 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 specifications (if the work is not done by Town forces) and may be required to rearrange or do over any work to bring it into conformity with the specifications and requirements

**50.307 DEDICATION OF WATER AND SEWER LINE EXTENSIONS.**

(A) All water and sewer mains constructed and connected with the infrastructure of the Town pursuant to this article shall be conveyed to and become the property of the Town upon completion and acceptance by the Town. Connection to the system and acceptance by the 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 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.

## **SEWER DISCHARGES**

### **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.

**50.600 RESERVED**

**50.700 RESERVED**



## **RATES, CHARGES, & BILLING PROCEDURES**

### **50.800 RATE SCHEDULE INCORPORATED BY REFERENCE.**

Any premises which are 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.

## 50.803 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.

## **50.808 PAYMENT/NONPAYMENT OF CHARGES**

(A) Customers may make payment for utility service and related charges to the Town by any method approved by the Finance Director. Checks or ACH drafts 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. The Town may require any customer who has had a check or ACH draft dishonored in payment of a bill to pay all utility bills in guaranteed forms of payment only.

(B) Customer payments to the Town shall first be applied to any applicable recycling service charges; then to garbage service charges; then to late fees, penalties, reconnections fees, any other administrative charges, then to sewer service charges; and finally to water service charges.

(C) The Finance Director may negotiate and enter into a schedule of regular payments lasting up to 6 months with a customer in cases of unusually high consumption or exigent personal circumstances provided that the Town collects all charges due and the agreement is signed by the customer. The Town Manager may extend any such agreement by an additional 6 months.

## **50.807 DISCONTINUANCE AND REINSTATEMENT OF SERVICE**

Water or sewer services may be discontinued under the following circumstances:

(A) Service may be discontinued on any normal workday at the request of the account holder. 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) The Town may discontinue utility service to a customer or premises for any one of the following reasons:

(1) Upon request of the customer or property owner in compliance with 50.808(A);

(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 Finance Director that the property owner or customer has a prior unpaid bill for any utility due to the Town.

(5) In compliance with the Town's Water Shortage Plan and state law as a part of a water rationing strategy during times of water scarcity.

(6) Determination by the Public Works Director that integrity of the water supply is compromised by non-compliance with any regulations or policies related to the installation, repair, maintenance, or inspection of a back flow prevention device.

(7) Determination by the Town Manager 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.

(8) Any other reason allowed under state law and under the direction of the Town Manager.

(C) Service at more than one location. In accordance with state law, if a customer is receiving service at more than one location, service at any or all locations may be discontinued if bills for service at any one or more locations are not paid within the time specified by this subchapter or Town policy.

(D) Service will be reinstated only after the one of the following criteria has been met.

(1) The violation of this Chapter, threat to the public water supply, or other condition as identified in Section 50.808(B)(5),(6), (7), and (8) has ceased.

(2) The Finance Director has determined that:

(a) An account holder with an account in good standing has signed an agreement to pay all past due charges and reconnection fees.

(b) An account holder with an account in bad standing has made payment in full of all past due charges and reconnection fees.

## **ADMINISTRATION AND ENFORCEMENT**

### **50.900 ACCESS TO PREMISES.**

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

### **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.

### **50.902 EMERGENCY ACTION AND ABATEMENT**

In the interest of the public health and safety, the Public Works Director shall be permitted to take emergency action deemed necessary for the continued operation of the water or sewer system. 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.

### **50.903 ADDITIONAL REMEDIES.**

- (A) Termination of service in accordance with state law is a remedy available to the Town to enforce any of the provisions of this subchapter.
- (B) The 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 may abate a nuisance through the procedures set forth in this code.

**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.