

TITLE V: PUBLIC WORKS

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CHAPTER 50: SEWER REGULATIONS

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SEWER REGULATIONS

50.01 DEFINITIONS.

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

AMMONIA NITROGEN. The quantity of ammonia in wastewater expressed as milligrams of nitrogen per liter by weight.

APPROVING AUTHORITY. The Town Manager of the Town of Plymouth.

B.O.D. (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C., expressed in milligrams per liter by weight.

COLOR is the true color due to the substances in solution expressed in milligrams per liter.

DOMESTIC SEWAGE. That liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

INDUSTRIAL USER. A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act.

INDUSTRIAL WASTES. The liquid wastes, other than domestic sewage resulting from processes or operations employed in industrial establishments.

INFILTRATION. Water other than wastewater that enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW. Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INTERFERENCE. Inhibition or disruption of a POTW's sewer system, treatment processes or operations which contributes to a violation of any requirement of its NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, or any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDP), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

MILLIGRAMS PER LITER (mg/l). The standard unit of measurement commonly used in the sewerage or wastewater industry and is equivalent to parts per million (ppm).

NATIONAL PRETREATMENT STANDARD or PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

NPDES PERMIT or PERMIT. A permit issued to a POTW pursuant to Section 402 of the Act.

PERSON. Any individual, firm, company, association or corporation.

pH. The logarithm of the reciprocal of the hydrogen ion concentration. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means except as prohibited by 403.6(d).

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 21 inches in any dimension.

PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any sewer that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

RECEIVING STREAM. That body of water, stream or watercourse receiving the discharge waters from the waste treatment plant or formed by the waters discharged from the waste treatment plant.

SANITARY SEWER. A sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this subchapter, without the admixture of surface water and storm water.

SHALL is mandatory; **MAY** is permissive.

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

TOWN. The Town of Plymouth, North Carolina.

USER CHARGE. A charge levied on users of treatment works for the cost of operation and maintenance (including replacement) of such works.
(Ord. 89-2, passed 8-19-85)

' 50.02 USAGE OF MUNICIPAL SANITY SEWERS.

(A) No person shall discharge or deposit any of the following waste materials into any town sewer:

(1) Any liquid or vapor having:

(a) A temperature higher than 150° F.;

(b) Such temperature and in such quantities that the temperature at the treatment works influent exceeds 104° F.; or

(c) Heat in amounts which will inhibit biological activity in the treatment works.

(2) Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil, or grease, exclusive of soap. Provided that up to 500 milligrams per liter may be discharged by Permit Authorization.

(3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, shaving, metal, glass, bones, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substances capable of causing obstruction to the flow in sewer or other interference with the proper operation of the treatment works.

(6) Any waters or wastes having a stabilized pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage treatment plant or system.

(7) Any water or wastes having a Biochemical Oxygen Demand in excess of 300 milligrams per liter by weight. Provided that up to 500 milligrams per liter may be discharged by Permit Authorization.

(8) Any waters or wastes containing more than 300 milligrams per liter by weight of suspended solids. Provided that up to 500 milligrams per liter may be discharged by Permit Authorization.

(9) Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.

(10) Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with waste treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.

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

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

(13) Any waters or wastes containing more than 200 milligrams per liter of chlorides. Provided that up to 500 milligrams per liter may be discharged by permit authorization.

(14) All new sewers and services shall be designed and constructed to prevent such inflow sources. Likewise, sanitary sewage shall not be discharged by Permit Authorization.

(15) Any water or wastes having an ammonia concentration in excess of 30 milligrams per liter by weight when expressed as nitrogen.

(16) Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connection to a sanitary sewer unless a permit is issued by the town. The town shall approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a sanitary sewer, the user shall pay such charges and fees and meet such other conditions as required by the town.

(B) *Waiver of requirements.* Since the intent of this section is to protect the sewerage system of the town while treating as much of the industrial waste of the town as practicable, the Town Manager shall have the authority to waive the foregoing provisions when, in his opinion, the quantity of waste discharged by any person is so small in relation to the overall flow into the town sewerage system as to make the offending characteristics of the waste negligible. The waiving of any of the foregoing provisions at any time shall not prohibit the enforcement of these same provisions at a later date when the cumulative effect of the discharge from several industrial establishments and businesses may become detrimental to the sewage system. However the waiver of any such requirements shall in no way violate nor be less stringent than any applicable federal pretreatment standard or categorical regulation pursuant to Section 307 of the Clean Water Act.

(C) *Pretreatment.* This subchapter shall be amended as may become necessary to incorporate the national pretreatment standards which means any regulations containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with the Federal Water Pollution Control Act, as amended, and which apply to industrial users.

(D) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any person whereby an industrial waste of unusual strength or character may be admitted into the sanitary sewers by the town either before or after approved pretreatment or prehandling, and subject to payment thereof by the industry as hereinafter provided. However, such discharges shall neither violate the provisions of Section 403.5 of the Federal Water Pollution Control Act, as amended, nor contravene the town's NPDES Permit.

(E) Notice shall be given to the Town Manager whenever a change in the industrial process of waste discharge is contemplated or when the normal operation of the industry discharging industrial waste into the town sewer system will be interrupted for three days or longer with no industrial discharge.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.03 STRUCTURES REQUIRED.

(A) *Storage Tanks.* In order to equalize flows over a 24-hour period, each person discharging a waste into the town=s sanitary sewers having a volume in excess of 40,000 gallons in any one day, shall construct and maintain at his own expense a suitable storage tank as determined by the Town Board. Said tank shall have a capacity of at least 80% of the normal volume of one 24-hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved devices, the setting of which shall be directed by the Town Manager.

(B) *Control Manhole.*

(1) Any person discharging industrial wastes into the Town Sanitary Sewer shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works, to facilitate observation, measurement and sampling of all wastes including domestic sewage, from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner as proved by the Town Manager.

(2) The control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, flume, weir, or other suitable devices as may be approved by the Town Manager. The Town Manager may require the installation of an automatic sampling device for the collection of sewage samples within the control manhole. The manhole shall be installed by the person discharging the wastes at his expense and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.

(C) Plans for the construction of said storage tank, control manhole, and controlling devices shall be approved by the Town Manager prior to beginning of construction.

(D) Where preliminary treatment or holding facilities and measuring or sampling devices are provided for any purpose in connection with the discharge of industrial wastes into the town sewer system, such facilities shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.04 PERMITS.

(A) Any person desiring to deposit or discharge or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the town. The Town Manager or Director of Public Works may approve such applications only when evidence is submitted by the applicant that the discharge into the sanitary sewers shall extend no more than two years from the date the application is approved. Such authorization shall the end of which time the person depositing or discharging an industrial waste into the sanitary sewers shall again make application for the disposal of industrial waste to the town. Upon finding that any person discharging into the sanitary sewers has failed to comply with all the regulations of this subchapter the town may revoke the authorization to discharge of that person. The town has and shall exercise its authority to sample, or cause to be sampled, discharges from each industry on a regular basis during the year and shall utilize those results in making a determination regarding renewal of the permit or authorization to discharge.

(B) Should any person fail to secure a permit or fail to have his or its application approved or be subsequently found to exceed the limits set forth in his or its permit, the Director of Public Works, upon 24-hour notice, if such person is using town water, shall disconnect such a person=s connection with the town water system, and the same will only be reconnected at such owner=s expense; and if such person, after 24 hours notice, shall have his connection with the town sewer system severed, such services will only be restored at such person=s expense.

(C) Industrial users are encouraged to discharge uncontaminated cooling water to the storm sewer system and only discharge contaminated wastes to the sanitary sewers, thereby extending the useful life

of the town=s wastewater transport and treatment facilities. Permits for such discharges of uncontaminated cooling waters are not regulated by the town but should rather be obtained from the North Carolina Division of Environmental Management.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.05 OUTSIDE CONNECTIONS.

Any person owning or controlling premises located beyond the corporate limits of the town and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the town may do so by complying with the requirements of this subchapter and by paying an additional permit fee and a yearly sewer rental charge to be fixed by the Town Board of Councilmen.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.06 GREASE TRAPS.

(A) Any person discharging wastes from any establishment other than a residence in which food preparation and serving occurs shall, when so directed by the Town Manager, install, and properly operate and maintain, a grease trap. Grease traps, where required, shall be of either single or multi-chamber design equipped with inlet and outlet baffles, and have a grease retention capacity, in pounds, of at least twice the flow capacity, in gallons per minute, before average grease removal percentage drops below 90%. Grease traps shall be designed and constructed so as to readily allow inspection and cleaning. The minimum size of the grease trap for restaurants shall be determined in accordance with the following formula:

Size, in gallons = $D \times (HR/2) \times 8$

Where: D = Number of Scats

HR = Number of Hours Open

(B) The minimum size of the grease trap for hospitals, nursing homes, and other type commercial kitchens shall be determined in accordance with the following formula:

Size, in gallons = $M \times 9 \times LF$

Where: M = Meals served per day

LF = 1.25 if garbage disposal and dishwashing are employed, 1.0 without garbage disposal, 0.75 without dishwashing and garbage disposal.

(C) The Town Manager may allow smaller grease traps than calculated using the above formulas to be installed only if evidence is presented that advanced design features, or special unique considerations, allow the use of smaller tanks while maintaining an equivalent grease removal efficiency. The Town Manager may allow smaller grease traps than calculated using the above formulas if installation of tanks of the calculated size are economically or physically not practical, provided the owner of the establishment agrees to payment to the town of any and all costs associated with sewer system cleaning of grease originating at, or reasonably presumed to originate at, the establishment for which the grease trap is required. The Town Manager may require use of grease traps larger than those calculated using the given formulas wherever tanks of the calculated size have proven ineffective.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.07 POWERS AND AUTHORITY FOR INSPECTION.

(A) The Town Manager, Director of Public Works, and other duly authorized employees and agents of the town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter. Nothing in this subchapter shall be construed to, in any way, release the

owner of a property which has been entered by duly authorized employees and agents of the town from liability if such person or persons is injured or otherwise involved in a mishap while performing authorized inspections on the property.

(B) Authority is hereby granted to the Town Manager after approval of the Town Board of Councilmen to temporarily exclude any industrial waste, whether pre-treated or not, from the sanitary sewers whenever, in the opinion of the Town Manager, such action is necessary for the purpose of determining the effects of such wastes upon the sewage system and sewage treatment plant or for the purpose of preventing detrimental effects to said system and plant or to the receiving stream.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.08 MEASUREMENT OF FLOW.

(A) The volume of flow used in computing industrial waste surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the Town Water Department. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the Town Manager that more than 10% of the total annual volume of water used for all purposes does not reach the town sanitary sewer, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the Manager and the persons discharging industrial wastes into said sewers. In the event that the Town Manager determines that the volume of industrial waste being discharged is more than 10% greater than the metered water consumption, then the industrial waste charges shall be based upon the volume discharged as measured by a town approved volume measuring device such as a flow meter installed within the control manhole as provided in ' 50.03.

(B) Where the person discharging industrial wastes into the sanitary sewers of the town procures any part, or all of, his water supply from sources other than the Town Water Department, all or part of which is discharged into the sanitary sewer, the person discharging said waste shall install and maintain at his expense, water meters, or other measuring devices of a type as proved by the Town Manager for the purpose of determining the proper volume of flow to be charged.

(Ord. 89-2, passed 8-19-85) Penalty, see ' 50.99

' 50.09 DUTIES OF USER UPON UNLAWFUL DISCHARGES.

(A) Any user who discharges wastes in violation of this subchapter shall, upon discovery thereof, immediately notify the town so that the town may take necessary countermeasures to minimize the damage to the wastewater collection and treatment facilities, treatment processes, and receiving waters. In addition, such user shall, within 15 days of such, occurrence, deliver to the town a written detailed report describing the cause of such discharge and the measures taken or to be taken to prevent a reoccurrence in the future.

(B) A user who gives the notice and report required by division (A) of this section shall thereby be relieved from the imposition of any criminal sanctions, and if the discharge was accidental, from the imposition of any civil fines, authorized by this subchapter, but shall remain liable to the town for any expenses incurred by the town as a result of the violation of this subchapter and for any loss, or damage to the town=s sewer system or wastewater treatment facility, treatment processes or receiving waters, and shall further be liable to the town for any liability or for any fines imposed upon the town by:

(1) The North Carolina Department of Natural Resources and Community Development, Division of Environmental Management under provisions of G.S. " 143-215.6A through 143-215.6C; and/or

(2) The Environmental Protection Agency, under any applicable federal laws or regulations and shall further be subject to termination of service, suspension or revocation of any discharge permit or

injunctive relief as deemed appropriate by the town should the measures taken by the violator be deemed inadequate by the town to prevent reoccurrence of the violation.

(Ord. 89-2, passed 8-19-85)

' 50.10 INJUNCTION AND ABATEMENT.

The violation of this subchapter is declared to be a public nuisance, and this subchapter may be enforced by injunction and order of abatement in an action instituted in the General Court of Justice, as provided in G. S . 160A-175.

(Ord. 89-2, passed 8-19-85)

' 50.11 TERMINATION OF SERVICES; REVOCATION OF PERMITS; ISSUANCE OF CEASE AND DESIST ORDERS.

If any person violates any provisions of this subchapter, the town may:

(A) Terminate water or sewer service, or both, to the property in or upon which such violation occurred.

(B) Suspend a specified period of time or permanently revoke any permit granted to such under any provisions of this subchapter; or

(C) Issue a cease and desist order directing such user to:

(1) Comply with this subchapter forthwith;

(2) Comply with this subchapter in accordance with a time schedule set forth by the town; or

(3) Take appropriate remedial or preventive action; or

(4) A combination of divisions (C)(2) and (3) of this section.

(Ord. 89-2, passed 8-19-85)

50.12 NOTICE AND BEARING.

(A) Water and sewer service shall be terminated, cease and desist orders shall be issued and permits shall be denied, suspended or revoked by the town only after the town shall have given written notice to the user of contemplated action. Such notice shall notify the alleged violator that a hearing may be requested before the Town Council and that if such hearing is requested within ten days after town=s notice to the user, such hearing shall be held within 30 days after the request for such hearing. At that hearing the Town Council shall hear evidence from the Town Manager and from the alleged violators and any other pertinent evidence shall be received by the town and the town shall render a decision making appropriate findings of fact and conclusions of law prior to any service being terminated, cease and desist orders issued, or permit denied, suspended or revoked.

(B) Provided, however, the provisions of this section shall not be applicable and the town may, without notice and opportunity for hearing to be had, temporarily suspend water or sewer services, or both, to any user, if an emergency exists or is eminent which threatens the public health, or is likely to cause severe injury or damage to or interruption of the town=s sewer system or waste- water treatment plant, treatment processes, or threatens the lives or severe injury to the town=s employees, agents, or other authorized personnel.

(Ord. 89-2, passed 8-19-85)

LATE PAYMENT

' 50.20 WATER AND SEWER LATE PAYMENT POLICY.

All water bills (inclusive of water, sewer, landfill and garbage charges) sent out by the town will have posted on the bill a due date and a cut off date. A late charge of \$2 will be added to the bill if it is not

paid by the due date. An additional late charge of 15 will be added to the bill if not paid by the cutoff date. A customer's water can be cut off at any time on or after the cut off date if the bill is not paid. (Ord. 96-4, passed 8-12-96)

**ACCEPTING GROUNDWATER REMEDIATION DISCHARGE WATERS
INTO WASTEWATER FACILITIES**

' 50.35 PURPOSE OF POLICY.

(A) The stated purposes of this policy are: to protect the employees of the town; to protect the public) health and the environment; to protect the equipment, materials, processes, and operations of the publicly owned wastewater treatment facilities; to protect the ability of the wastewater treatment facility to meet its NPDES permit discharge limitations; and to protect the town from undue expenses resulting from the discharge of groundwater remediation systems. In keeping with these stated purposes, this policy sets forth general information needed and guidelines for the issuance of special use discharge permits to these types of discharges.

(B) This document is intended to serve as a basis for town public policy regarding any groundwater remediation or similar activity operator (hereinafter referred to as operator) and shall not be construed as replacing, substituting for or any way differing from the limitations or restrictions otherwise regulated in the town's sewer use ordinance, or state or federal regulations. The policy applies only to groundwater remediation discharges originating within the town limits. Groundwater remediation wastewater originating outside the town limits will not be accepted into the town publicly owned wastewater collection and treatment system (POTW).

(Ord. 95-1, passed 3-13-95)

' 50.36 INFORMATION REQUIRED PRIOR TO ISSUANCE OF SPECIAL USE DISCHARGE PERMIT.

The following is a list of minimum information to be submitted to the Town Manager before issuance of a special use discharge permit will be considered. Submission of the information will not ensure issuance of a special use discharge permit, nor will such submission prevent the Town Manager, or his representative, from requesting additional information deemed necessary due to the nature of the remediation activity.

(A) A written narrative generally describing the history of the groundwater remediation site, the need for the remedial activity, proposed daily operations, any temporary and permanent structures to be erected or constructed, and the planned length of operations for each phase of the remedial activity, as applicable.

(B) A statement of the projected maximum discharge rate, the projected average discharge rate, and the maximum and average expected concentrations of each pollutant known or suspected to be present in the discharge.

(C) Full analytical data on all test wells with a summary of all components present above detectable limits.

(D) An engineering report with any and all relevant reports, plans, and specifications stamped and sealed by a North Carolina registered professional engineer. The engineering report is to include, but is not ¹—ited to, the following items:

(1) Detailed plans and specifications for proposed pretreatment facilities, including design criteria and projected removal efficiency rates.

(2) Location and means of sample collection for pretreatment influent and effluent monitoring to establish treatment efficiency.

(3) Flow monitoring device specifications which must be capable of recording and totalizing flow and reading in gallons per day or million gallons per day. Alternatively, where pumped flow is involved, the plan may allow for calibration of pump discharge rates and use of pump running time meters for flow discharge determination.

(4) Full remediation program description including scope of project, term of project, pumping rates, and summary of the means by which the requirements of this policy are to be met.

(5) Proposed point of discharge into sewer system.

(E) State regulatory certification will be required by an official with the operator stating that all state and federal regulatory requirements have been met.

(Ord. 95-1, passed 3-13-95)

' 50.37 GENERAL CONDITIONS.

The following general conditions represent the policy of the town for any groundwater remediation, or any similar type, operation entreating to discharge wastewater into the town=s sewer system. These conditions shall be in addition to any special use discharge permit issued by the Town Manager, the town=s sewer use ordinance, state, or federal regulations.

(A) The discharge of the operator shall be subject to, following complete application and approval of the Town Manager, the regulations and limitations of the local pretreatment program and this policy.

(B) Best Available Technology (BAT) shall be required of the operator to comply with the limitations of the operator=s special use discharge permit. Compliance with special use discharge permit limits must be documented in accordance with the procedures established in ' 50.35 through 50.53 prior to commencement of continuous discharge. Unless alternative limits are specifically given, the discharge shall at a minimum have less than 100 parts per billion of BETX.

(C) Operation and maintenance records are to be complete and maintained by the operator and are to be made available for inspection by the Town Manager or his representative upon request.

(D) Effluent from the operator=s pretreatment facility, prior to entering the town=s wastewater system, shall comply with all state water quality standards applicable to the surface waters of the state, unless other levels are specifically set forth in the special use discharge permit.

(E) The operator=s special use discharge permit may stipulate discharge levels of a certain pollutant or pollutants in excess of the state=s water quality standards where such pollutants can be adequately treated and discharged by the town=s wastewater treatment facility, and may stipulate limits for pollutants not listed in the state water quality criteria. Such limits, if established, will be based on the limits of what is technologically achievable. If the Town Manager determines that even with application of best available technology the best interests of the town would not be served by acceptance of the wastewater, then permission to discharge the pollutant into the POTW will be denied.

(F) A comprehensive sludge management plan shall be submitted to the Town Manager 30 days prior to the removal of solids. The plan shall detail step by step the procedure proposed for solids removal and disposal. This condition is applicable to pretreatment systems that produce solid residuals.

(G) The operator will be prohibited from discharging holding or equalization lagoon sediments to the POTW.

(H) The town reserves the right to reissue with additional conditions any special use discharge permit. A 30-day notice will be given by the town to the operator in such cases. Reissuance of a permit may be due to changes in local, state, or federal regulations; changes in the operator=s operating procedures; monitoring test results; or noncompliance with current permit conditions.

(I) The operator shall also be responsible for storm water management at the groundwater remediation site(s), any pretreatment facility site(s), and any other applicable site(s) in compliance with all state and federal regulations.

(Ord. 95-1, passed 3-13-95)

50.38 FEES AND CHARGES.

The following fees and charges shall be assessed groundwater remediation discharge operators:

(A) *Normal Sewer Connection Fees and User Charges.* User charges shall be based on the actual quantity of wastewater discharged to the POTW.

(B) *Administrative Charges.* The Town Manager shall establish a standard special use discharge permit fee schedule which will be applicable to all discharges.

(C) *Application Specific Review Charges.* Groundwater remediation discharges will often require the town to utilize the services of outside consultants to conduct technical reviews and evaluations. Under these circumstances, the permit applicant (operator) will be required to reimburse the town for any costs it has incurred in using outside consultants to review an application and establish permit conditions.

(D) *Wastewater Monitoring Charges.* The town will inspect, sample, and have tested groundwater remediation discharges no less than twice per year, and more often when, in the opinion of the Town Manager, such monitoring would benefit the town. The operator will be required to reimburse the town for any costs incurred in inspecting, sampling, and testing the discharges. Costs will be determined as direct labor costs, including the costs of benefits prorated on an hourly rate basis, sample shipping costs, sample container costs, and laboratory fees.

(E) *NPDES Monitoring and Sludge Monitoring Costs.* Should the town be required by state or federal agencies to increase monitoring of its wastewater treatment facilities or sludge to include pollutants associated with groundwater remediation, then a schedule of charges will be developed that apportions the cost of that additional monitoring to all groundwater remediation discharge operators discharging those pollutants.

(F) *Self-monitoring Costs.* Groundwater remediation dischargers will be required to conduct self-monitoring. Testing parameters and frequencies will be set forth in the special use discharge permit issued each discharger. All costs for self-monitoring will be borne by the operator.

(Ord. 95-1, passed 3-13-95)

***PROCEDURE FOR VERIFICATION OF PRETREATMENT SYSTEM
EFFICIENCY PRIOR TO DISCHARGE TO POTW***

' 50.50 INTENT.

Groundwater remediation discharges generally involve materials that are flammable, toxic, mutagenic, carcinogenic, or otherwise potentially harmful to the POTW or environment. Accordingly, the town will require extraordinary measures to be taken to demonstrate the capabilities of any pretreatment system utilized prior to the allowing of any discharge into its system from a groundwater remediation system. (Ord. 95-1, passed 3-13-95)

' 50.51 PURPOSE.

The purpose of this procedure is to operate the pretreatment system under normal conditions, verify its performance by actual wastewater testing, and only after the testing has occurred and substantiated the capability of the pretreatment system, to allow a discharge to the POTW to occur. This will be done by requiring that the discharge from groundwater remediation systems be first directed to one or more holding vessels, the quality of the water determined by laboratory testing, and only upon receipt of satisfactory test results, a discharge be allowed. The Town Manager will determine on a case by case basis whether or not this procedure will be followed on a continuous basis, or only during the start-up phase for the groundwater remediation program. In making this determination the Town Manager will consider the specific nature of the pollutants involved, the concentration of the pollutants in the wastewater before pretreatment, the rate of flow of the wastewater, and the vulnerability of the pretreatment system employed to mechanical failure and operational failures. (Ord. 95-1, passed 3-13-95)

' 50.52 PROCEDURE.

Upon receipt of a special use discharge permit the operator will construct all required pretreatment facilities and provide one or more storage vessels. The storage vessel(s) will be sized to hold not less than one day=s wastewater production. The pretreatment system will be put into operation and its discharge directed to the holding vessel. After the holding vessel is filled, the operator, at his option, may either cease discharging or direct the discharge to another holding vessel(s). The filled vessel will be sampled and tested. If the test results verify that the wastewater meets the special use discharge permit conditions, it can then be discharged to the POTW. If the test results show that the wastewater does not meet the special use discharge permit conditions, then the wastewater shall be retreated and tested again until such time as it does meet permit conditions. The operator may, at the operator=s option, use multiple storage vessels, so that one or more vessels are being filled while others are being tested. All storage vessels shall be equipped with devices that allow the rate of flow of the discharge from the vessels to be controlled. The Town Manager will establish and inform the operator of the appropriate setting for the devices. The Town Manager may allow a continuous, direct discharge to the town wastewater system after this procedure of treating, holding and then testing has demonstrated that the pretreatment system employed can successfully achieve permit limits. In general, this will require verification of pretreatment system capabilities by testing of at least four days of the normal expected discharge volume. A continuous discharge will not be allowed until four consecutive days testings show full compliance with discharge standards.

(Ord. 95-1, passed 3-13-95)

' 50.53 COST.

All costs for following this procedure, including sampling and testing costs, will be borne by the groundwater discharger.

(Ord. 95-1, passed 3-13-95)

' 50.99 PENALTY

Any person (including any responsible officer or employees of a corporate violator) who willfully or negligently violates any provisions of " 50.01 through 50.08, or falsifies any information or data in any application, report, or other document given to the town under " 50.01 through 50.08, shall be guilty of a misdemeanor, and shall be punishable by fine not to exceed \$1,000 or imprisonment not to exceed 30 days, or both, in the discretion of the court.

(A) Any person (including any corporation) who violates any provisions of " 50.01 through 50.08, shall in addition to the criminal penalties as outlined above be subject to the imposition by the Town Council of the civil penalty payable to the town not to exceed \$5,000 for each violation, and, in addition, shall reimburse the town upon demand for any expenses, loss or damage actually sustained by the town to its sewer system or wastewater treatment plant, treatment processes or receiving waters as a result of such violation, and in addition to any civil penalty imposed by the town shall be liable for the amount of any fine or penalty imposed upon the town by the state or federal agency as a result of such violation.

(B) Such civil penalty shall be assessed only after the town shall have given the alleged violator notice in writing of the alleged violation. Such notice shall notify the alleged violator that a hearing before the Town Board will be held at a designated time and place not more than ten days after the date the notice is sent to the alleged violator. At such hearing the Town Board shall hear evidence from the Town Manager and consulting engineers and any other appropriate officials regarding the alleged violation and shall also hear evidence from or offered by the alleged violator regarding the alleged violation. After hearing such evidence the Town Board shall make appropriate findings of fact and conclusions of law regarding the alleged violation and shall determine whether or not a civil penalty is to be assessed against the alleged violator. If a civil penalty is deemed appropriate, the Town Board shall have authority to assess a civil penalty against the alleged violator in the amounts provided above.

(D) The Town Clerk shall certify in writing to the alleged violator the decision of the Town Board within ten days after such decision is made by mailing by certified mail to the alleged violator, a copy of that decision setting forth the findings of fact and conclusions of laws as made by the Town Board.

(E) After receiving notice of the Town Board's decision, the alleged violator shall have the right to appeal that decision to Washington County Superior Court and any act on the part of the town to collect such imposed civil penalty shall be stayed until a decision is either upheld or reversed by the Superior Court.

(F) If the alleged violator does not appeal the decision of the Town Board within ten days after receipt of the same, then the civil penalty assessed shall become immediately due and payable and shall be lien upon all of the property of the alleged violator located in the town or county. The town shall have the authority to begin a civil action in the nature of a debt to recover the civil penalty imposed by the town. (Ord. 89-2, passed 8-19-85)

CHAPTER 51: WATER AND WASTEWATER

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GENERAL PROVISIONS

' 51.001 PURPOSE AND POLICY.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) and subsequent amendments, including the Water Quality Act of 1987 (P.L. 100-4) and other state and federal regulations have resulted in an unprecedented program dedicated to cleaning and safeguarding the nation's waters. This chapter sets forth uniform requirements for discharges to the POTW and enables the town to comply

with all applicable state and federal laws and the pretreatment regulations (40 CFR 403). The objectives of this chapter are: to prevent discharges to the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge; to prevent discharges to the POTW which will pass through the system, inadequately treated, into receiving waters or the atmosphere; to improve the opportunity to recycle and reclaim wastewater and sludge; to protect town personnel and the general public from affects due to operation and maintenance of wastewater system; and to provide for the regulation of discharge to the POTW through the issuance of permits, authorizes monitoring activities, requires user reporting, and provides for the setting of fees for the equitable distribution of expenditures. This chapter shall apply to the town and to persons who arc, by permit or agreement with the city, users of the POTW. Except as otherwise provided herein, the Town Manager shall administer the provisions of this chapter.

(Ord. passed 11-1-98)

' 51.002 DEFINITIONS.

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

Water and Wastewater

ACT. The Federal Water Pollution Control Act and amendments.

AMMONIA NITROGEN. The total amount of nitrogen in wastewater in the form of ammonia or ammonium.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER.

- (1) A responsible corporate officer as defined in 40 CFR 403.12, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A director or the highest official appointed or designated to oversee operations, if the user is a governmental facility; or

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- (4) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.

BILLABLE BIOCHEMICAL OXYGEN DEMAND. The discharge in pounds of BOD calculated using the billable flow and concentration of BOD in the wastewater in excess of 250 mg/l.

BILLABLE CHEMICAL OXYGEN DEMAND. The discharge in pounds of COD calculated using the billable flow and concentration of BOD in the wastewater in excess of 600 mg/l.

BILLABLE FLOW. Recorded water usage as determined by the appropriate water utility, plus measured water from wells and other sources, times the approved percentage factor for wastewater entering the wastewater system. Alternatively, industrial users may have their billable flow determined by continuously measuring their discharge in a manner approved by the Town Manager.

BILLABLE TOTAL NITROGEN. The discharge in pounds of total nitrogen calculated using the billable flow and concentration of total nitrogen in the wastewater in excess of 40 mg/l.

BILLABLE TOTAL PHOSPHORUS. The discharge in pounds of total phosphorus calculated using the billable flow and concentration of total phosphorus in the wastewater in excess of seven mg/l.

BILLABLE TOTAL SUSPENDED SOLIDS. The discharge in pounds of TSS calculated using the) billable flow and concentration of TSS in the wastewater in excess of 250 mg/l.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20E C.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives wastewater and is located inside the walls of a building and conveys the wastewater to the building sewer which begins five feet outside the building wall.

BUILDING SEWER. The extension from the building drain to the sanitary sewer or other discharge location.

CHEMICAL OXYGEN DEMAND. The total amount of oxygen required to oxidize the organic matter in waste as described in standard methods.

COLOR. The true color due to the substances in solution.

COMPOSITE BASED LIMIT. A limit based on the relative strength of a pollutant in wastewater, usually expressed in mg/l.

CONCENTRATION BASED LIMIT. A limit based on the relative strength of a pollutant in wastewater, usually expressed in mg/l.

COOLING WATER. The water used for air conditioning, refrigeration or other cooling applications.

CUSTOMER. The person that contracts with the city for provision of water or wastewater service.

DIRECT DISCHARGE. The discharge of wastewater directly to the waters of the state. **DIRECTOR.**

The Director of Public Works or the town=s authorized representative.

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater.

GARBAGE. The animal or vegetable wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.

GRAB SAMPLE. A single Adip and take@ sample collected at a representative point in the discharge.

HEADWORKS ANALYSIS. An evaluation of the capability of the POTW to receive pollutants performed in accordance with DEM and EPA regulations.

HOLDING TANK WASTE. Any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE. The discharge of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act to the POTW.

INDUSTRIAL USER. A source of indirect discharge, which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the Act.

INFILTRATION. The extraneous groundwater entering the wastewater system through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

INFLOW. The surface water entering the wastewater system from such sources as, but not limited to: roof leaders, cellar yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections, from storm sewers and/or combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.

INSTANTANEOUS MEASUREMENT. A single reading, observation or measurement of the discharge.

INTERFERENCE. The inhibition or disruption of the POTW treatment processes of operations, which contributes to a violation of any requirements of the POTW=s NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, or any criteria, guidelines, or regulation developed pursuant to Solid Waste Disposal Act, the Clean Air

Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

LOCAL LIMITS. Concentration or mass-based limits developed by the director for controlling the discharge of pollutants.

MASS-BASED LIMIT. A limitation based on the actual quantity of a pollutant in a discharge usually expressed in pounds per day or pounds per unit of production.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act which applies to a specific category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT. A permit issued for discharge to the navigable waters of the United States.

NATURAL OUTLET. Any outlet into water course, pond, ditch, lake, or other surface water or groundwater.

NEW SOURCE. Any building, structure, facility or installation from which there is or may be a) discharge of pollutants, the construction of which is commenced after the publication of proposed categorical pretreatment standards under section 307 (c) of the Act which will be applicable to such source, if such standard is thereafter promulgated in accordance with that sections provided that:

(1) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) (a) The production or wastewater generating process of the building, structure, facility, or installation is substantially independent of an existing source at the same site.

(b) In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new type of facility is engaged in the same general type of activity as existing source, should be considered.

(4) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(5) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program; or

1. Any placement, assembly, on installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures of facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into building contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, not including debt service and capital related expenditures, but inclusive of expenditures attributable to administration,

monitoring, inspections, reviewing applications, maintenance of equipment, and treatment and collection of wastewater, necessary to assure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

PASS THROUGH. Discharge which exits the POTW into waters of the state in quantities or concentrations which alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or nondischarge permit, or downstream water quality standard.

PERSON. Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

pH. The term used to express the intensity of the acid or base condition of a solution as determined by standard methods.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, commercial, and agricultural waste discharged into water.

POLLUTION. The manmade or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW. Publicly owned treatment works.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging such pollutants to the POTW. Physical chemical or biological processes, or process changes of other means can obtain the reduction or alteration, except as prohibited by 40 CFR 403.6(d).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical standards, and local limits.

PRIVATE SEWER. Sewer which is not owned by the city.

PUBLIC SEWER. A sewer which is owned and controlled by the city and is separate from and does not include sewers owned by other governmental units.

PUBLICLY OWNED TREATMENT WORKS. Treatment works as defined by section 212 of the Act, which owned by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

QUALIFIED LABORATORY. Laboratories currently certified by the state to perform water and wastewater analyses.

SANITARY CLOSET. A privy, closet, urinal or other device for receiving human excrement, connected with proper fittings so that its contents may empty into sanitary sewer.

SANITARY SEWER. A sewer which carries wastewater.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the POTW who is subject to categorical pretreatment standards; discharges more than 25,000 gallons per day to the POTW; discharges are than

5% of any design or treatment capacity of the POTW; or is found by the town, DEM, or EPA to have significant impact, either singly or in combination with other discharges, on the **POTW**, the quality of sludge, the system's effluent quality the receiving stream, or air emissions generated by the system.

SIGNIFICANT NONCOMPLIANCE or **REPORTABLE NONCOMPLIANCE**. A status of noncompliance defined as follows:

(1) Violations of wastewater discharge limits.

(a) *Chronic violations*. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.

(b) *Technical review criteria (TRC) violations*.

1. Thirty-three percent or more of the measurements are more than the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:

2. For conventional pollutants BOD, TS S, fats, oil and grease TRC=1.4. For all other pollutants TRC=1.2.

(c) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of the sewage treatment plant personnel or the public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(2) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

(3) Failure to provide reports for compliance schedule, selfmonitoring data, baseline monitoring reports, 90-day compliance reports and periodic compliance reports within 30 days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the control authority considers to be significant.

SLUG. Any discharge of wastewater which in concentration of any given constituent or is quantity flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flow during normal operation or which causes interference.

STANDARD INDUSTRIAL CLASSIFICATION. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STANDARD METHODS. The laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation or an other procedures recognized by the DEM and EPA.

STATE. State of North Carolina.

STORM SEWER. Sewer that carries only stormwater, surface runoff, street wash, and drainage, and to which wastewater is not intentionally admitted.

STORMWATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

TOTAL KJELDAHL NITROGEN. The sum of organic nitrogen and ammonia nitrogen content of a wastewater as determined by standard methods.

TOTAL NITROGEN. The sum of TKN, nitrates, and nitrites intent of a wastewater as determined by standard methods.

TOTAL PHOSPHORUS. All orthophosphates and condensed phosphates both dissolved and particulate, organic and inorganic.

TOTAL SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspensions with wastewater and is removable by laboratory filtration as described in standard methods.

TOWN. The Town of Plymouth.

TOXIC SUBSTANCES. Any substances whether gaseous, liquid, or solid, which when discharged to the POTW in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to the environment or recreation in the receiving waters of the effluent from the POTW. These substances include but are not limited to those pollutants listed as toxic in regulations promulgated by the EPA under the provisions of 307(a) of the Act or other acts.

UNPOLLUTED WATER. Water of sufficient quality that it could not be violation of federal or state water quality standards if such water were discharged to waters of the state.

USER. A person who discharges, causes or permits the discharge of wastewater to the POTW.

USER CHARGE SYSTEM. The system charges levied on users for the operation and maintenance costs of the water or wastewater system.

WASTEWATER. The combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, including cooling water, holding tank waste, and infiltration/inflow.

(1) **SANITARY WASTEWATER.** The combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

(2) **INDUSTRIAL WASTEWATER.** A combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and cooling water.

(3) **WASTEWATER DISCHARGE PERMIT.** A permit issued by the director as a necessary condition to being granted, or retaining, publicly provided access point for connection to a public sewer for an industrial user.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof
(Ord. passed 11-1-98)

51.003 AUTHORITY OF TOWN COUNCIL.

All utilities owned, leased, or used by the town, whether inside or outside the corporate limits, shall be under the full control of the town pursuant to authorization in Session Laws of 1953, Chapter 300. The duty enacting and enforcing rules and regulations governing the management and control of town properties shall be vested in the town, and the duty of enforcing such rules and regulations may be delegated. (Ord. passed 11-1-98)

' 51.004 ADMINISTRATIVE AUTHORITY.

(A) The Director of the Department of Public Works shall have overall supervision of the entire water and sewer system under the general direction of the Town Manager. The Town Manager shall prescribe the duties and responsibilities of the Director. The Director of Public Utilities and the Town Manager at all times shall have free access to all premises for the purpose of examining hydrants, fixtures and connections on which town water pressure is maintained. The Fire Department personnel shall have free access to fire hydrants at all times.

(B) Any person aggrieved by an act or decision of the Director of Public Works may appeal his decision in writing to the Town Manager. The Town Manager shall meet and confer with the respective parties. Within ten days of this meeting the Town Manager shall render his decision in writing to the aggrieved person. Only the Town Council for any action brought to the attention of the Town Manager as described above considers those matters of complaint or request.

(Ord. passed 11-1-98)

' 51.005 VISITING UTILITY STATIONS.

No visitors shall be permitted to enter the water and wastewater treatment plant or any pumping station unless accompanied by the person in charge, and under no circumstances shall any visitor handle or in any way come in contact with any part of the machinery.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.006 TAMPERING WITH EQUIPMENT.

(A) It shall be unlawful for any person to tamper with, remove or otherwise interfere with any equipment, apparatus or materials belonging to the public water and wastewater systems or to dig in the vicinity of any water lines or public sewer without first obtaining permission. It shall likewise be unlawful for any person to remove or damage property of any kind belonging to the town.

(B) A reward of up to \$200 shall be offered to any person furnishing information leading to the arrest

and conviction of any person violating this section.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.007 REFUSAL OF SERVICE TO PERSONS OR PREMISES OUTSIDE CORPORATE LIMITS.

The Town Council reserves the right to serve any person or premises outside the corporate limits with

water sewer service from the system.

(Ord. passed 11-1-98)

' 51.008 CONNECTIONS AND METERS TO REMAIN PROPERTY OF TOWN.

All water meters, meter boxes, pipes and other equipment furnished and used by the town in installing

any water or sewer connection shall be and remain the property of the town.

(Ord. passed 11-1-98)

' 51.009 MAINTENANCE OF METERS.

All meters except such as are required to be furnished by particular users of water, shall be kept in good repair and working order by and at the expense of the town. The town shall keep meters furnished by particular users of water in good repair and working order, but the expenses thereof shall be borne by such users. Meters for measuring the flow of wastewater, where required, shall be provided and maintained by and at the expense of the customer.

(Ord. passed 11-1-98)

' 51.010 RIGHT TO SHUT OFF WATER FOR REPAIRS, AND THE LIKE.

The town reserves the right at any time to shut off the water in case of accident for the purpose of making connections or repairs.

(Ord. passed 11-1-98)

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51.011 NO CLAIM FOR DAMAGES ON ACCOUNT OF ACCIDENT.

It is expressly agreed between the town, users, and customers that no claim for damages shall be made

against the town on account of accidental failure to supply water, whether by quantity or quality.

(Ord. passed 11-1-98)

OPERATION OF SYSTEM

DIVISION 1. GENERAL PROVISIONS

51.025 CONNECTIONS WORK TO BE DONE BY THE TOWN.

The construction of laterals for the connection of the public sewer or water lines on any lot with public sewer or water lines in any street and the necessary excavation thereof shall be done only by the town. (Ord. passed 11-1-98)

' 51.026 APPLICATION.

(A) No connection shall be made to any public sewer or water line except after approval of the written application therefor.

(B) Every application for a sewer or water connection shall state the name of the owner of the lot, the name of the street on which lot is situated, the number of the house, if there is one on the lot or, if not, a description of the location of the lot, the number and kind of connections required and the character of surface shall be signed by the person making the application and shall be accompanied by the proper fee for making the connection applied for. The town may require that the applicant submit as part of the written application such information, plans or other data as may be required to adequately determine if the requirements of this division are to be met.

(C) No person shall make any connection of roof downspouts, exterior foundation drains, area drains, or other sources of inflow, groundwater, or other unpolluted waters to a building sewer or building drain, which in turn is connected, directly or indirectly, to a public sanitary sewer.

(D) After the effective date of this chapter, the owner, and/or his authorized agent, shall make application for service, in person, at the office of the town and at the same time make the deposit guarantee required below.

(E) The town may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.

(F) The town may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location within the system. If a delinquent customer is not the owner of the premises to which the services are delivered, the payment of delinquent amounts may not be required before providing service at the request of new or different customer or owner, tenant or occupant of the premises but this restriction shall not apply when the premises are occupied by two or more tenants whose services are measured by the same meter.

Rents, rates, fees, charges and penalties for commercial units shall be the legal obligation of the owner of the premises served when: the property or premises is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter. Provided further, when the owner of the premises has been served water and sewer and has not paid for the same, the town shall not be required to render services to anyone at the location where such water and sewer was used, until such water and sewer bill has been paid. (G.S. ' 160A-314) The town reserves the right to change multimetered property to single metered property where experience and delinquencies cause a loss to the town.

(G) For violation of any kind of the provisions of these rules relating to application for service, the town may, at the expiration of ten days after mailing a written notice to the last known address of the owner, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the owner shall first pay to the Town the current reinstallation charge.

(H) When an application is made for water and sewer extension to serve an area or development project that is planned as part of a larger project or subdivision, all of which is not to be developed at the time such application is made, the owner shall submit plans in sufficient detail to determine the sizes and types of facilities which will be necessary to serve the entire development or subdivision when completed.

(I) No extension to the water and sewer system of the town shall be made and no application shall be approved, except in accordance with the requirements of this division.

(J) Under no circumstances will water only or sewer only be extended to any undeveloped area. Applicant will be responsible for the engineering and construction of all improvements for connection to the system.

(K) The Town Council shall determine the minimum distance for any extension of water and sewer service. In general, the minimum distance for extensions shall be no less than one platted block or, wherever possible, no less than the distance to connect both ends of the extension to an existing water and sewer system.

(L) The size of the improvements to be installed and other required system facilities shall be determined by the Town Council in accordance with recognized standards and accepted engineering practices and designs.

(Ord. passed 11-1-98)

' 51.027 SEPARATE CONNECTIONS REQUIRED; EXCEPTIONS.

(A) Every house or building abutting any water line or public sewer shall have a separate connection. The town may construct a single water line of sufficient size to the curblinc; provided that each house or business is connected through a separate water meter.

(B) This section is not intended to prevent the owner of a building containing three or more apartments from furnishing water to all tenants within the building through one meter; provided, that this exception will not apply to a building owned by more than one person, nor shall it apply to several buildings connected by breezeways, carports or anything similar.

(Ord. passed 11-1-98)

61.07R CONNECTIONS INSIDE CORPORATE LIMITS.

(A) Water and sewer connections shall be made into existing connections constructed by the town to serve a lot. If a connection is not existing, one shall be provided as close as possible to the location requested by the customer. When lines are constructed by the town, water service lines shall be constructed to the point where the meter box will be set, and the building sewer shall be constructed to the cleanout at approximately the start of the right-of-way or property line.

(B) Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Director, to meet all requirements of the town and this chapter. All new building sewers including any necessary replacement of existing building sewers shall comply with the State Building Code, Volume II, Plumbing.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer provided, however, that such indemnification shall not extend to loss or damage due solely to willful misconduct or negligence on the part of the town.

(D) It shall be the responsibility of the owner to keep and maintain the building sewer connected to the public sewer in good repair. The owner shall be responsible for making necessary repairs, at his own expense, to the building sewer when notified in writing by the Director that repairs are necessary. Should the owner fail to repair the building sewer within 15 days after receiving written notification that such repairs are necessary, the town may make the necessary repairs and shall assess the owner for the cost of the repairs.

(E) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain may be lifted by a means approved by the town and discharged to the building sewer. The connection of the building sewer into the public sewer shall conform to the requirements of applicable building codes and plumbing codes and other applicable rules and regulations of the town. All such connections shall be made gastight and watertight. The town, before installation, shall approve any deviation from the prescribed procedures.

(Ord. passed 11-1-98)

' 51.029 CONNECTIONS BEYOND CORPORATE LIMITS.

Any person owning or controlling premises located beyond the corporate limits and desiring to install a plumbing system for the purpose of discharging wastewater into the public sewer may do so by complying with the requirements of this article and paying all applicable fees and charges.

(Ord. passed 11-1-98)

DIVISION 2. WATER

' 51.035 PUBLIC WATER SYSTEM DEFINED; APPROVAL OF PLANS AND SPECIFICATIONS.

A public water system is a publicly- or privately-owned water system regularly serving drinking water to the public and having at least 15 service connections that are used at least 60 days of the year or serve an average of 25 individuals at least 60 days a year. Plans and specifications must be approved by the State Department of Environment, Health, and Natural Resources, Division of Health Services, Environmental Health Section.

(Ord. passed 11-1-98)

' 51.036 RESERVED.

' 51.037 PROVISION OF WATER SYSTEM.

(A) Area outside corporate limits.

(1) With adequate water lines existing. Upon receipt of a request for water service and payment of all fees and charges, the town may construct a water, connection to serve the property. The property owner shall pay the then existing water connection fee and capital investment fee prior to receiving a tap.

(2) Public water not existing.

(a) Upon receipt of a request for sewer service, the town may approve and authorize construction of a line to serve the property. When a public water line is constructed, it shall extend across the entire frontage of the property to be served.

(b) The party requesting service shall pay the entire cost of construction, including materials, labor and equipment.

(c) If the town determines that sufficient advantages exist, it may choose to bear the cost of constructing a public water line from the nearest adequately sized public water line to the property to be served.

(d) Each property requesting service and abutting a public water line constructed according to subsection (A)(2)(b) or (c) of this section shall comply with subsection (A)(1) of this section.

(e) Water from the municipal water system shall be supplied to owner/customers outside the corporate limits only through meter service, and the minimum charge to any owner/customer shall be double the rate or charge prescribed for meter service inside such corporate limits, unless otherwise provided by the Town Council.

(f) Connections to the town=s water system by property owners outside the corporate limits may require the installation of a service connection line of a length greater than 60 feet in order to reach the property line of the applicant. In all such cases, the property owner applying for connection shall be responsible for either full payment of all costs incurred by the town to make the connection, or the standard tap fee, whichever is greater.

(g) Prior to making the connection, the owner shall deposit with the town an amount equal to the total estimated cost of such connection. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner in accordance with the requirements of this chapter. Such contract shall provide that in the event the amount of the total funds deposited exceeds the amount of the total connection cost when completed, that portion in excess of the total cost shall be refunded to the owner without interest. Such contract shall also provide that if the amount deposited is less than the total cost, the owner shall pay such additional amount to the town.

(3) *Charges after annexation into the town.* After annexation into the town, property, which abuts an existing public water line, shall pay the then existing inside capital investment fee and connection fee prior to receiving a connection.

(4) *Water rates.* Customers outside the town shall be charged the regular outside rate.

(B) *Area inside corporate limits.*

(1) *With adequate public water existing.* The town shall construct a water connection after receipt of the then existing connection fee.

(2) *Public water not existing.* When a property owner within the town requests water service, the town may order the extension of public water line to serve the property and assess all abutting property owners, an amount equal to the cost of materials, but such assessments shall not exceed \$10 per front foot under the authority granted to the town by G.S. Chapter 160A. The cost of fire hydrants, hydrant laterals, and any costs of installation for larger pipelines over and above the cost of a six-inch main shall be borne by the town from funds appropriated for this purpose. Any property owner shall have the opportunity to pay his proportionate share of the cost of such extensions after the assessment roll is confirmed rather than paying his share in equal annual installments with interest as required by state law.

(C) *Other conditions.*

(1) When an application is received requesting the extension of water service to proposed developments or subdivisions within the corporate limits which have not been approved by the Town Council, the Town Manager or other person designated by the Council, shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the Town Council for their consideration. If the application is approved and subject to the approval of the development or subdivision by the town, and subject to the availability of funds, the town may install, or have installed by contract under its supervision, such extensions, which shall be financed in accordance with this subsection.

(2) Prior to the beginning of any construction, the property owner shall advance to the town an amount equal to 100% of the total estimated cost of the proposed extensions. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner, under which the town will use funds upon the following terms and conditions:

(a) The funds shall be deposited in a special account of the town for which a separate accounting will be made.

(b) At the time construction of the extension is completed and the total cost thereof is determined; if the amount deposited exceeds the total cost, that portion in excess of the amount deposited will be refunded to the owner without interest; if the amount deposited is less than the total cost, the owner shall pay such additional amount to the town, and this condition shall be part of the written contract.

(c) In lieu of depositing funds, the owner may provide a surety bond acceptable to the town or some other form of security that will insure payment to the town of the owner=s proportionate share of the cost of extensions in accordance with this division.

(d) No refund or reimbursement of funds shall be made to the owner, who pays the total cost of extension under the requirements of this subsection, except as provided in subsection (b) of this section.

(e) All administration, legal and engineering costs involved in the town=s accomplishment of such extensions shall be considered a part of the total cost and shall be included in all estimates and accountings under this division.

(3) The town will finance, from funds appropriated for this purpose, the town for overall system benefits and for construction requires only such additional portions of such extensions as. Such additional costs shall be for air relief valves, increase in size of mains over six inches, special cross connections to existing facilities and special connections made for the town=s purposes.

(4) *Other conditions.* When a subdivision or developer requests water service and conditions in division (A) or (B) of this section do not apply, or if an unusually large amount of construction is required, the conditions of payment shall be determined through negotiations and established in a contract between the property owner and town.

(D) *Facilities excluded in determining owner=s share of cost.*

(1) When the town determines that it is advisable to install larger facilities than are necessary to serve the property requesting such extension, as set out above, the difference in the cost of the larger facility over the cost of the facilities required to serve the property requesting such extension shall be paid for by the town excluded from the total cost to be shared by the property owner and the town as provided herein. All mains up to six inches in size shall be considered as being required to serve the property requesting extensions.

(2) Fire hydrants, pumping facilities, storage tanks and other facilities installed for general public use shall be paid for by the town and excluded from the total cost to be shared by the property owners and the town, as provided herein.

(F) *Exceptions authorized.* Nothing in this division shall prevent the Town Council from extending water service within the corporate limits on their motion without receipt of an application for property owners, or from accessing the cost of such extensions in accordance with division (A) of this section when, in the opinion of the Town Council, the general public interest demands such extension of service. (Ord. passed 11-1-98)

' 51.038 FINANCING OUTSIDE CORPORATE LIMITS.

(A) All applications for water extensions outside the corporate limits shall be made in the same manner and under the same requirements as provided in the above sections.

(B) If an application is approved by the Town Council, the owner shall be required to pay the entire cost of all extensions; provided that the town may participate, to the extent agreed upon by the

Town Council, in the cost mains which are in excess of the size required to serve the project. No reimbursement shall be made upon annexation, and all water lines connected to the town system and located outside the corporate limits shall become the property of the town at the time such facilities are connected.

(C) Prior to the beginning of any construction, the owner shall deposit with the town an amount equal to the total estimated cost of such extension. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner in accordance with the requirements of this division. Such contract shall provide that in the event the amount of the total funds exceeds the amount of the total extension cost when completed, that portion in excess of the total cost shall be refunded to the owner without interest. Such contract shall also provide that if the amount deposited is less than the total cost, the owner shall pay such additional amount to the town.

(D) In lieu of depositing funds, the owner may execute surety bonds guaranteeing payment for such extensions, which is acceptable to the town, or the owner may have such extension work performed under private contract with the approval of the Town Council; provided, that the work is to be performed in accordance with all construction requirements of the town and subject to inspection and approval by the town and its agents.

(E) If the property for which application has been made for water service is contiguous to the corporate limits, and the owner(s) of such property petitions the town for annexation, applicants requesting annexation shall pay for and extend all town utilities to the properties proposed for annexation prior to annexation. The utilities shall meet the requirements of the town.

(Ord. passed 11-1-98)

' 51.039 SPECIFICATION; OWNERSHIP.

Any water mains extended under the provisions of this division shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the town. All facilities installed under the provisions of this division, whether within or without the corporate limits, shall become the sole property of the town and be under its jurisdiction and control for all purposes at the time such facilities are connected to the town system. When required, the property owner shall grant to the town such utility easements as the town may require. In addition, a deed to the town for water facilities installed outside the corporate limits, the cost of which is borne by individual property owners, shall be executed prior to the time any extensions provided for in this division are connected to the town system.

(Ord. passed 11-1-98)

' 51.040 ADDITIONAL IMPROVEMENTS.

The Town Council may, at its discretion, require as a condition under which water service will be extended, that the owner of a proposed subdivision enter into an agreement to improve the proposed streets therein at his own expense and in accordance with the ordinances then in force governing the acceptance of public streets for the town. If required, this section shall apply to subdivisions, which are located either within or without the corporate limits.

(Ord. passed 11-1-98)

' 51.041 PROVISION OF SEWER SERVICE. (A) *Area outside the corporate limits.*

(1) *With adequate public sewer existing.* Upon receipt of a request for sewer service and payment of all fees and charges, the town may construct a sewer connection to serve the property. The property owner shall pay the then existing connection fee and capital investment fee prior to receiving a tap.

(2) *Public sewer not existing.*

(a) Upon receipt of a request for sewer service, the town may approve the request and authorize construction of a line to serve the property. When a public sewer is constructed, it shall extend across the entire frontage of the property to be served.

(b) The party requesting service shall pay the entire cost of construction, including materials, labor, equipment and necessary lift stations.

(c) If the town determines that sufficient advantages exist, it may choose to bear the cost of constructing a public sewer from the nearest adequately sized public sewer to the property to be served.

(d) Each property requesting service and abutting a public sewer constructed according to subsection (A)(2)(b) or (c) of this section shall comply with subsection (A)(1) of this section.

(e) Sewer service from the municipal sewer system shall be supplied to owner/customers outside the corporate limits only through meter service, and the minimum charge to any owner/customer shall be double the rate or charge prescribed for meter service inside such corporate limits, unless otherwise provided by the Town Council.

(f) Connections to the town's sewer system by property owners outside the corporate limits may require the installation of a service connection line of a length greater than 60 feet in order to reach the property line of the applicant. In all such cases, the property owner applying for connection shall be responsible for either full payment of all costs incurred by the town to make the connection, or the standard tap fee, whichever is greater.

(g) Prior to making the connection, the owner shall deposit with the town an amount equal to the total estimated cost of such connection. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner in accordance with the requirements of this chapter. Such contract shall provide that in the event the amount of the total funds deposited exceeds the amount of the total connection cost when completed, that portion in excess of the total cost shall be refunded to the owner without interest. Such contract shall provide that if the amount deposited is less than the total cost, the owner shall pay such additional amount to the town.

(3) *Charges after annexation into the town.* After annexation into the town, property, which abuts an existing public property owner shall advance to the town an amount equal to 100% of the total estimated cost of the proposed extensions. Upon receipt of such funds, a written contract shall be entered into by and between the town and the property owner, under which the town will use funds upon the following terms and conditions:

(a) The funds shall be deposited in a special account of the town for which a separate accounting will be made.

(b) At the time construction of the extension is completed and the total cost thereof is determined; if the amount deposited exceeds the total cost, that portion in excess of the amount deposited will be refunded to the owner without interest; if the amount deposited is less than the total

cost, the owner shall pay such additional amount to the town, and this condition shall be part of the written contract.

(c) In lieu of depositing funds, the owner may provide a surety bond acceptable to the town or some other will insure payment to the town of the owner=s proportionate share of the cost of extensions in accordance with this division.

(d) No refund or reimbursement of funds shall be made to the owner, who pays the total cost of extension under the requirements of this subsection, except as provided in subsection (b) of this section.

(e) All administration, legal and engineering costs involved in the town=s accomplishment of such extensions shall be considered a part of the total cost and shall be included in all estimates and accountings under this division.

(4) The town will finance, from funds appropriated for this purpose; the town for overall system benefits for construction requires only such additional portions of such extensions as. Such additional costs shall be for air relief valves, increase size of mains, special cross connections to existing facilities and special connections made for the town=s purposes.

(5) *Other conditions.* When a subdivision or developer requests sewer service and conditions in division (A) or (B) of this section do not apply, or if an unusually large amount of construction is required, the conditions of payment shall be determined through negotiations and established in a contract between the property owner and the town.

(D) *Facilities excluded in determining owner=s share of cost.*

(1) When the town determines that it is advisable to install larger facilities than are necessary to serve the property requesting such extension, as set out above, the difference in the cost of the larger facility over the cost of facilities required to serve the property requesting such extension shall be paid for by the town and excluded from the total cost to be shared by the property owner and the town as provided herein. All mains up to six inches in size shall be considered as being required to serve the property requesting such extensions.

(2) Pumping facilities and special facilities installed for general public use shall be paid for by the town and excluded from the total cost to be shared by the property owners and the town, as provided herein.

(E) *Exceptions authorized.* Nothing in this division shall prevent the Town Council from extending sewer service within the corporate limits on their own motion without receipt of an application for property owners, or from accessing the cost of such extensions in accordance with division (A) of this section when, the opinion of the Town Council, the general public interest demands such extension of service.

(Ord. passed 11-1-98)

' 51.042 FINANCING OUTSIDE CORPORATE LIMITS.

(A) All applications for sewer service outside the corporate limits shall be made in the same manner and under the same requirements as provided for in the above sections.

(B) If an application is approved by the Town Council, the owner shall be required to pay the entire cost of all extensions; provided that the town may participate, to the extent agreed upon by the Town Council, in the cost mains which are in excess of the size required to serve the project. No reimbursement shall be made upon annexation, and all sewer lines connected to the town system and

located outside the corporate limits shall become the property of the town at the time such facilities are connected.

(C) Prior to the beginning of any construction, the owner shall deposit with the town an amount equal to the total estimated cost of such extensions. Upon receipt of such funds, a written contract shall

be entered into by and between the town and property owner in accordance with the requirements of this division. Such contract shall provide that in the event the amount of the total funds deposited exceeds the amount of the total extension cost when completed, that portion in excess of the total cost shall be refunded to the owner without interest. Such contract shall also provide that if the amount deposited is less than the total cost, the owner shall pay such additional amount to the town.

(D) In lieu of depositing funds, the owner may execute surety bonds guaranteeing payment for such extensions, which is acceptable to the town, or the owner may have such extensions work performed under private contract with the approval of the Town Council; provided, that the work is to be performed in accordance with all construction requirements of the town and subject to inspection and approval by the town and its agents.

(E) If the property for which application has been made for sewer service is contiguous to the corporate limits, and the owner(s) of such property petitions the town for annexation, applicants requesting annexation shall pay for and extend all municipal utilities to the properties proposed for annexation prior to annexation. The utilities shall meet the requirements of the town.

(Ord. passed 11-1-98)

' 51.043 SPECIFICATIONS; OWNERSHIP.

Any sewer mains extended under the provisions of this division shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the town. All facilities installed under the provisions without the corporate limits shall become the sole property of the town and be under its jurisdiction and control for all purposes at the time such facilities are connected to the town system. When required, the property owner shall grant to the town such utility easements as the town may require. In addition, a deed to the town for sewer facilities installed outside the corporate limits, the cost of which is borne by individual property owners, shall be executed prior to the time any extensions provided for in this division are connected to the town system.

(Ord. passed 11-1-98)

51.044 ADDITIONAL IMPROVEMENTS.

The Council may, at its discretion, require as a condition under which sewer service will be extended, that the owner of a proposed subdivision enter into an agreement to improve the proposed streets therein at his own expense and in accordance with the ordinances then in force governing the acceptance of public streets for the town. If required, this section shall apply to subdivisions, which are located either within or without the corporate limits.

(Ord. passed 11-1-98)

DIVISION 3. RESTRICTIONS AND PROHIBITIONS – WATER

' 51.055 ALTERATIONS AFFECTING QUANTITY OF SUPPLY; UNAUTHORIZED TURNING OF CURB COCKS.

No person other than an employee or designated individual of the town water sewerage department or a licensed plumber shall alter or extend any service pipe or any cock or fixture connected therewith so as to increase the quantity of water used through such pipe or place any additional fixture thereon designed to increase or capable of increasing the quantity of water used through such service pipe, without a permit therefor in each case. No persons, except such as are specially authorized so to do in this chapter, shall turn off or turn on the water at any curb cock.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.056 INTERFERENCE WITH SUPPLY PIPES AND CURB COCKS BY PLUMBERS.

No person shall tap, repair or in any way interfere with water supply pipes or curb cocks; except, that licensed plumbers may use the cock for testing their work, in which case the curb cock shall be left in the same condition and position as found.

(Ord. passed 1-1-98) Penalty, see ' 10.99

' 51.057 OPENING OR CLOSING OF CURB COCKS GENERALLY.

Except in the case of plumbers when testing their work in the case of the Building Inspector when in the discharge of his duties, curb cocks shall under no circumstances be opened or closed by any person not an authorized employee of a designated individual of the Department of Public Works. When new water service pipes are installed on any premises, the curb cocks shall be left closed and will thereafter be opened by the Department only upon request of the owner, which request must be in writing if the Department so requires. The holder of the permit to use water for building purposes or other such work or the agents of such permit holder, shall not open, close or otherwise interfere with the curb cocks.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.058 UNAUTHORIZED USE OF SERVICE PIPE; SEPARATE CONSUMERS ON SAME PREMISES.

No service pipe supplying water at fixture rates shall be used to furnish water in any manner to any premises or for any purpose which such service pipe was not designed or approved by the Department of Public Works to supply. In case of a violation of this rule, the Director of Public Works or the designated individual of the town may turn off the water from such service pipe.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.059 SUPPLY AND SERVICE PIPES TO BE APPROVED BY TOWN; INTERPROPERTY CONNECTIONS.

Water from the system shall be taken and used only through supply and service pipes established by or laid under the supervision or approval of the town. No connection by which water may pass from one property to another shall exist, even when the ownership of both such properties is the same.

(Ord. passed 11-1-98)

' 51.060 STREET OR YARD SPRINKLERS.

Street or yard sprinklers shall not be converted into hydrants, jets or fountains or be allowed to run wastefully. Such sprinklers must be kept closed except when used for sprinkling.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.061 EXCESSIVE OR WASTEFUL USE GENERALLY.

Excessive or unnecessary use or waste of water, whether caused by carelessness or by defective or leaky plumbing or fixtures, is strictly forbidden, even where the service is metered. For disregard or repeated violations of this requirement, the Department of Public Works may turn off the water.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.062 USE OF FIRE HYDRANTS.

Fire hydrants are to be opened and used only by Fire Department or employees of the town, or by such persons as may be specially authorized by the Department of Public Works or by the Council.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.063 DISCONTINUANCE OF SERVICE FOR PERMITTING UNLAWFUL USES.

The service of any water user who, having the right to use from the municipal system, shall permit others to use his fixtures for purposes not set forth in his contract will be discontinued at once.

(Ord. passed 11-1-98)

DIVISION 4. RESTRICTIONS AND PROHIBITIONS – SEWER

' ' 51 075 INTENT OF REGULATION OF SEWER USE.

(A) It is intended that this division include provisions for prohibiting the discharge by any wastewater customer into a public sanitary sewer of substances which may endanger the public health and safety; or of unpolluted waters which do not require treatment and therefore reduce the effectiveness of the biological operations of treatment facility.

(B) It is further understood that the biological and chemical operations, which can be designed for wastewater treatment, do, by their scientific nature, limit the types of constituents in wastewater which may be treated by facilities, constructed and maintained within a reasonable cost to the public. Consequently, the treatment facilities are designed for the primary purpose of treating domestic wastewater in sufficient manner to protect public health. Certain industrial wastewater constituents can be treated without interference at the wastewater facilities, but only in limited quantity or concentration. To ensure that discharges of industrial wastewater into the public sanitary sewer are within such quantity and concentration limits, reasonable and adequate regulations are provided in this subchapter.

(Ord. passed 11-1-98)

51.076 APPLICABILITY OF SEWER USE PROVISIONS.

All public sanitary sewer users shall comply with all applicable provisions of this subchapter, as amended, and shall further comply with applicable federal, state and local laws, ordinances and regulations, including EPA/DEM pretreatment standards, which are at the time, in effect. In the event of a conflict, the more stringent requirement or higher standard shall apply.

(Ord. passed 11-1-98)

51.077 SPECIAL AGREEMENTS.

No statement contained in this subchapter shall be construed as preventing special agreement or special arrangement between the town and any customer or potential customer whereby an industrial waste of strength or character in excess of that defined as standard strength may be accepted by the town for treatment, subject to payment by the customer pursuant to the industrial waste treatment surcharge provisions of this subchapter. However, no special agreement may be established except by authority of the Town Council, upon recommendation of the Town Manager, and in no event shall any such agreement be entered into that would be indirect violation of any EPA/DEM pretreatment standard. All special agreements for treatment of wastewater shall be approved by the Town Manager. Such approval or disapproval shall be accomplished in a timely manner not to exceed 30 days after receipt of the completed application.

(Ord. passed 1-1-98)

' 51.078 USE OF PUBLIC SEWERS REQUIRED.

It shall be unlawful for any person to place or discharge or to permit to be deposited in any unsanitary manner on public or private property within the town, any human or animal excrement, solid waste, or other materials which are or may become hazardous, toxic or injurious to public health or safety. (Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.079 DISCHARGE TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with requirement of EPA/DEM.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.080 PROHIBITION OF SEPTIC TANKS, PRIVIES, AND THE LIKE.

(A) From and after November 1, 1973, the construction or use of any facility other than the public sanitary sewer for treatment and/or disposal of wastewater inside the town limits shall be prohibited, except when the facility is constructed and/or used under a condition set forth below:

(1) The construction and use of a septic tank, or similar facility as determined by the Director or the designated individual of the town, may be permitted when it shall have been determined that a premises cannot, at the time the facility is considered, be connected to a public sanitary sewer, and that there is reasonable expectation that a septic tank can function effectively.

(2) Any septic tank installed prior to and operating on November 1, 1973 may continue in operation until such time as the sanitary facilities on the premises shall be connected to a public sanitary sewer pursuant to this subchapter. No tank shall be allowed once the public sanitary sewer and treatment facility is completely operational.

(B) It shall be unlawful for any person to construct, repair, reconstruct or rebuild any septic tank or septic privy within the town limits unless such act is permitted under the provisions of this section. Any person convicted of a violation of this section shall be guilty of a misdemeanor and punished pursuant to the provisions of G.S. ' 14-4.

(C) Except for those existing and presently operating septic tanks unable to connect to the sanitary sewer because of location and grade, and as determined by the Director of Public Works or the agent of the town, the Director or the agent is authorized to discontinue water service to any premises using a septic tank. Notice of disconnection shall be given to the owner/customer at the address upon the billing

for water service at least ten days prior to disconnection by first class mail and posting at the property. The Town Manager is authorized to grant reasonable extension of time for restored water service and connection to the sanitary sewer on a demonstration of hardship and undue burden not to exceed 60 days from the date of the original notice to the owner/customer.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.081 BUILDING SEWER REQUIRED.

(A) When a owner of a property inside the town limits shall use such property in any manner which results in the generation of wastewater, and pursuant to this subchapter such wastewater shall be discharged into a public sanitary sewer, the owner shall install at his expense a suitable building sewer and other facilities necessary to connect the building sewer directly to the public sewer at an access point provided by the town.

(B) Whenever a building sewer connected to the public sanitary sewer becomes clogged, broken, out of order, or detrimental to the use of the public sewer, the owner having charge of any building or premises through which the building sewer collects wastewater, shall, upon notification by the Director, reconstruct, alter, clean, or repair the building sewer as the condition of such may require within ten days after receiving notification. Failure to correct the facilities of the building sewer as required should result in termination of water services to the premises, and any other action deemed necessary to protect public health and safety. (Ord. passed 11-1-98)

' 51.082 BUILDING SEWER CONNECTIONS AND FEES.

All costs and expenses incident to the installation of facilities to connect the privately owned building sewer to the public sanitary sewer system shall be borne by the owner through a connection/tap fee levied by the town. The owner shall pay such fees upon application for connection. Prior to the required installation of the sewer connection by the town, all connection/tap fees shall be paid at the time of receiving building permits. Sewer services connection fees shall be set forth in the fee schedule.

(Ord. passed 11-1-98)

' 51.083 SEPARATE CONNECTIONS REQUIRED.

A separate and independent building sewer shall be provided for every building or unit; an exception may be granted where one building stands at the rear of another on an interior lot and it is not economically feasible for the town to construct a public sewer and access point to the rear of the building through an adjoining alley, court, yard, driveway, or other access. In such event, the building sewer may be extended to the rear building and the whole considered as one building sewer. However, if separate water meters service each building or unit, separate wastewater service fees shall be charged to each building or unit.

(Ord. passed 11-1-98)

51.084 METHOD OF SEWER CONNECTION.

(A) All connections to the town sanitary sewer system shall be made in accordance with provisions and requirements of the Plumbing Code. All such connections shall be made at access points prescribed

and provided by the town. The applicant is responsible for constructing the building sewer in a manner necessary to ensure connection at the access point.

(B) If, at the time of the adoption of the ordinance from which this subchapter derives, any connection exists between a building sewer and a public sanitary sewer at a point other than the access point prescribed and provided by the town, the town may serve notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this article, and if service is disconnected, the owner may receive access to a public sanitary sewer only by applying for and paying a connection fee.

(Ord. passed 11-1-98)

' 51.085 ELEVATION OF SEWER CONNECTION.

All building sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point, which will permit a minimum average slope of the building, the State Plumbing Code will apply.

(Ord. passed 11-1-98)

' 51.086 PROHIBITED CONNECTIONS.

No connections that will allow inflow to enter the town=s wastewater collection and treatment system shall be permitted. The prohibited connections shall include, but not limited to, the connection of roof downspouts, exterior foundation drains, or other sources of storm water or groundwater to a building sewer which is connected directly or indirectly to a public sanitary sewer.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.087 PUBLIC HAZARD.

All excavations for building sewer installation within the public right-of-way shall be performed by public works personnel or under permit issued by the Director of Public Works/agent of the town, and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, plazas, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town subject to the terms and conditions of the permit.

(Ord. passed 11-1-98)

' 51.088 GREASE REMOVAL.

Grease and oil traps or other interceptors shall be provided at the user=s expense, when such user operates an establishment preparing, processing, or serving food and/or food products. Grease interceptors) may also be required in other industrial or commercial establishments when they are necessary for the proper handling of liquid wastes containing oil and/or grease in amounts in excess of 75 mg/1, or for any flammable wastes. All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the Director/agent and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of waste content as required, but not less often than every 30 days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the public sanitary sewer. Wastes removed from grease interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

(Ord. passed 11-1-98)

' 51.089 SAND AND GRIT REMOVAL.

(A) Sand and grit traps or other interceptors shall be provided at the owner=s expense when they are necessary for the proper handling and control of liquid wastes containing sand and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the Director/agent and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their solid contents as required, but not less often than every 30 days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of wastewater=s to the public sanitary sewer. Failure to comply may result in the implementation of legal enforcement procedures.

(B) Wastes removed from sand and grit interceptors shall not be discharged into the public sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

(Ord. passed 11-1-98)

' 51.090 PRELIMINARY TREATMENT DEVICES.

Where preliminary treatment, pretreatment, flow-equalizing facilities, or grease, oil, grit and sand traps or other interceptors are provided for any wastewater, they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

(Ord. passed 11-1-98)

' 51.091 POWERS AND AUTHORITY OF INSPECTORS.

(A) The Director and other duly authorized agents or employees of the town bearing proper credentials and identification shall be permitted to enter all properties, privately and publicly owned, for the purposes of meter reading, inspection, observation, measurement, gauging, sampling, and testing in accordance with the provisions of this subchapter. The Director or his representative shall have no authority to inquire into any processes including those of the metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the volume, nature and source of discharges to the town=s wastewater collection system and/or storm sewers or other natural outlets.

(B) While performing the necessary work on private properties referred to above, the Director or duly authorized employees and agents of the town shall observe all safety rules applicable to the premises established by the owner.

(C) The property owner shall not be released from liability to any extent in the event that a town agent or employee is injured while making inspections which are pursuant as a result of negligence on the part of the private property owner or any of his agents or employees.

(Ord. passed 11-1-98)

' 51.092 SEWER SERVICE CONNECTION FEES.

Sewer service connection fees shall be charged pursuant to the fee schedule to cover the cost of providing an access point to the public sewer for the applicant. Such fees shall be as specified in the fee schedule.

(Ord. passed 11-1-98)

' 51.093 BASIC USER CHARGES.

Sanitary sewer service rates shall be as established in the fee schedule.

(Ord. passed 11-1-98)

' 51.094 EXTRA STRENGTH WASTEWATER SURCHARGES.

Standard strength wastewater shall be defined as that wastewater having a maximum BOD5, COD, and suspended solids concentration as follows:

BOD5	250 mg/l
COD	750 mg/l
Suspended solids	200 mg/l

Industrial wastewater surcharges shall be assessed to any industrial users discharging wastewater, including constituents, at a concentration exceeding any of the limits established in this section. Surcharge rates shall be set forth in the fee schedule and in consultation with the Director of Public Works or the town's agent. (Ord. passed 11-1-98)

' 51.095 ENFORCEMENT.

(A) A government agency having jurisdiction informs the town that the effluent from the publicly owned wastewater treatment facility is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the wastewater system that cannot be sufficiently treated or that requires treatment that is not provided by the town.

(B) The customer commits any of the following violations:

(1) Discharges industrial wastewater of quality or quantity that is in violation of the waste discharge permit; commits any action prohibited by such permit or provision of this subchapter; or fails to comply with any required provision of such permit or provision of this subchapter.

(2) Discharges waters or wastes having a deleterious effect upon the wastewater system.

(3) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater system and/or the wastewater treatment process.

(4) Fails to pay user charges or other fees for wastewater services when due.

(5) Discharges prohibited wastes to the public sanitary sewer.

(6) Makes a connection of building sewer to a public sewer at a point other than the publicly provided access point.

(7) Discharges inflow, or uncontaminated cooling water or process water into the public sanitary sewer.

(8) Fails to properly clean and dispose of wastes collected in grease or grit interceptors.

(9) Discharges industrial wastewater under provisions of a waste discharge permit issued to a person other than the customer discharging the wastewater.

(10) Fails to renew expired waste discharge permit.

(11) Fails to meet compliance schedule established upon mutual agreement of the customer and the town.

(12) Otherwise violates the provisions of this article or fails or omits to perform in such a manner as to constitute good cause for disconnection contrary to the purpose and intent of this subchapter. (Ord. passed 11-1-98)

DIVISION 5. INDUSTRIAL WASTE DISCHARGE PERMIT

' 51.105 GENERALLY.

(A) Any person who owns or operates a facility producing or proposed to produce wastewater of any quantity, strength, or other quality which would not, or may not, meet the conditions and limitations set forth in this subchapter, and who is connected to, or desires to make connection to the public sanitary sewer, shall make application to the town for a waste discharge permit authorizing continued discharge, or an industrial connection for discharging, of the described attendant

wastewater. No industrial waste, pretreated waste, or any waste other than normal wastewater shall be permitted to connect to the town=s sanitary sewer system without the prior approval of the town.

(B) The Building Inspector will not issue a building permit or certificate of compliance for any structure for an industrial user until the applicant presents to him a certified copy of a completed and approved industrial sewer connection and waste discharge application.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.106 REQUIRED.

All persons whose plants, buildings, or premises are connected to the public sanitary sewer from and after November, 1973, who may be subject to the provisions herein, and who have not heretofore obtained an industrial waste discharge permit shall have 30 calendar days after notification within which to make application to the town for a permit as required.

(Ord. passed 11-1-98)

' 51.107 APPLICATION.

Users seeking a waste discharge permit shall complete and file with the director or the town=s agent an application on a form prescribed by the Town Manager, accompanied by the applicable fees. The town may further require that the application include any additional information deemed necessary by the town in order to determine if pretreatment will be required to meet the conditions and limitations of this subchapter, or to meet EPA/DEM pretreatment standards. The town may further require any information, which is required by EPA/DEM.

(Ord. passed 11-1-98)

' 51.108 PRETREATMENT REQUIREMENTS.

(A) The town will determine through review of the industrial discharge permit application and in) cooperation with the applicant whether the waste produced shall be pretreated by the applicant before it is discharged into the town sewer. When appropriate, at facilities already in operation, sampling of wastes to determine characteristics may be performed by the town at the applicant=s cost. The town shall advise the applicant of the level of pretreatment required and of a compliance schedule. If the town determines that such wastes must be pretreated, the applicant shall submit to the town for approval, plans and specifications of the pretreatment facilities.

(B) If such plans and specifications are approved as submitted, or amended by the town, the applicant shall proceed according to an agreed schedule to provide such pretreatment facilities.

(C) The construction plans for such pretreatment plants or facilities shall be placed on file in permanent reproducible form with the town without cost to the town.

(D) If the pretreatment facilities are completed according to the approved plans and specifications, and the applicant demonstrates its effective use and provides a proper sewer connections and industrial waste discharge application, the town shall issue the applicant a waste discharge permit. The permit shall authorize such connection and permit the applicant to discharge such waste into the public sewer at the rate and in the quantity and/or connection stated herein. The owner at his expense shall maintain these pretreatment facilities continuously in satisfactory and effective operation.

(E) The conditions and limits in this subchapter shall be used as pretreatment plant design criteria and shall be applied to the maximum estimated rate of flow through the plant. The minimum pretreatment for industrial or other wastewater, which is consistently within pH limits but requires pretreatment, shall be to pass wastewater through a grease trap or other interceptor providing a minimum detention period of ten minutes between the influent and effluent baffles with 20% of total

volume of the grease trap or interceptor being allowed for a sludge pocket. This sludge pocket shall be serviced as required, but at intervals of not longer than 30 days at the owner=s expense. It shall be kept free of inorganic solids which settle into the required sludge pocket, and all grease or other floating material shall be skimmed from the trap or basin tank at intervals of a frequency sufficient to avoid accumulation of scum covering the surface of the liquid, but not less frequently than each 30 days.

(F) Upon written notification by the town that a grease interceptor is required for a given discharge, the user will have a period of 120 days for compliance. Such compliance consists of the provision to the town of detailed plans and specifications for approval and the method of installation and operability of a grease trap or other interceptor device. Failure to comply will result in the implementation of the enforcement procedures of this subchapter.

(G) There shall be a debris screen included in pretreatment facilities immediately preceding or following the grease interceptor through which all industrial waste, excepting flow from toilet and personal sanitary facilities shall pass. A debris screen may be required as the final feature of a pretreatment facility with a maximum size opening necessary to protect the public sewer system.

(H) The solid matter removed from any interceptor or that which is retained by the debris screen shall be disposed of in a lawful manner, without nuisance, by the owner at his expense, but shall in no case be placed in the town=s wastewater system.

(I) Should the wastewater system customer operate a grease trap, an interceptor or other pretreatment device in which inorganic sludge is collected and stored, such inorganic sludge shall not be placed in the town=s wastewater system and all effluent from such pretreatment plant or device must pass through the required debris screen.

(J) If it is determined that an applicant discharges wastewater which does not require pretreatment, the applicant will be issued a permit permitting the applicant to discharge wastewater to the public sewer at a publicly provided access point at a rate, and in the quantities and qualities stated in the permit.

(Ord. passed 11-1-98)

' 51.109 CANCELLATION OF PERMIT.

If any industrial user is in violation of any condition of his waste discharge permit, or any other provision of this subchapter, and it is determined pursuant to this subchapter that the user=s service shall be disconnected, the waste discharge permit shall be cancelled upon the disconnection. Any industrial user whose permit has been cancelled may receive a publicly provided access to the public sanitary sewer only after making an application for a new waste discharge permit.

(Ord. passed 11-1-98)

51.110 FEES.

Each waste discharge permit issued under the provisions of this subchapter shall terminate at the expiration of one year from the date of its issuance. Permit fees for initial permit issuance, annual permit renewal and restoration of the permit shall be set forth in the fee schedule.

(Ord. passed 11-1-98)

' 51.111 OWNERSHIP CHANGES.

If an industrial user authorized to connect the wastewater system for industrial waste disposal under the provisions hereof is sold, leased, or its ownership is otherwise changed or the industrial operation thereof is operated by a person other than that named in the permit, a new application for a

waste discharge permit shall be made by the new owner. No permit issued under the provisions hereof shall be assignable to any other person.

(Ord. passed 11-1-98)

' 51.112 EFFECT OF APPROVALS.

(A) Any approval by the town of a type, kind, or capacity of a pretreatment facility installation shall not relieve a person of the responsibility of subsequently revamping, enlarging or otherwise modifying such pretreatment installation to accomplish the original intended purpose or to meet new or revised standards. Nor shall any written or oral agreement as to limits of waste constituents or volumes of wastewater=s be considered as final approval for continuing operation or otherwise prevent the town from subsequently withdrawing its approval. These limits will be subject to monitoring, study and change as considered necessary to serve their intended purpose.

(B) Changes in the characteristics or volumes of wastewater of any permit holder will constitute a basis for the town=s requiring a new application for a waste discharge permit. Furthermore, permits issued may be notified as may be necessary due to changes in pretreatment requirements by EPA/DEM.

(Ord. passed 11-1-98)

' 51.113 PROPERTY RIGHTS.

The issuance of a permit by the town does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, not violation of applicable federal, state, or local laws, ordinances or regulations.

(Ord. passed 11-1-98)

51.114 PRIOR APPROVAL REQUIRED.

No industrial, waste, pretreated waste or any waste other than normal wastewater shall be permitted to connect to the town=s sanitary sewer system without the prior approval of the town.

(Ord. passed 11-1-98) Penalty, see ' 10.99

DIVISION 6. USE OF PUBLIC SEWERS

' 51.125 PROHIBITED DISCHARGES GENERALLY.

No person shall charge to be discharged inflow, groundwater, uncontaminated cooling water, or uncontaminated process water to any public sanitary sewer. Such water and other unpolluted water may be discharged to a sewer designated specifically as a storm sewer, or to a natural outlet, provided such discharge is approved by the local, state or federal jurisdiction having authority.

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.126 PROHIBITED WASTES AND LIMITATIONS.

No person shall discharge or cause to be discharged from any point any of the following described wastewaters to any public sanitary sewers:

(A) Any liquid or vapor having a discharge temperature higher than 120E F., nor any liquid or vapor having heat in such quantities that the temperature at the treatment plant and influent exceeds 104E F.

(B) Any wastewater which contains more than 75 mg/1 by weight of oil and/or grease, or containing any substance that will solidify or become viscous at temperature between 32E F. and 150E F. at the point of discharge into the system.

(C) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be neither more than 5% nor any single reading over 10% of the Lower Explosive Limit (LEL) of the meter. Such potentially explosive materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.

(D) Any wastewater that contains more than two mg/1 by weight, of hydrochloric acid, hydrogen sulfide, sulfur dioxide, or nitrous oxide.

(E) Any ashes, cinders, sand, mud, straw, shavings, metals, glass, tars, plastics, wood, rags, and other fibrous solids, feathers, offal, whole blood, paunch contents, manure, hair and fleshing, entrails, lime slurry and lime residues, beer or distillery slops, chemical residues, fiberglass, paint, paint thinners, latex, lacquers, or ink residues, cannery waste, unshredded bulk solids with particles greater than one-half inch in any dimension; discharges from photographic laboratories; or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with proper operation of the wastewater collection system and the wastewater treatment facilities.

(F) Any wastewater having a stabilized pH lower than six or higher than nine or having any other corrosive property capable of causing damage or hazard to sewers which are constructed of vitrified clay, cast iron, ductible iron, ABS plastic and/or concrete; associated or connected structures; equipment; and/or personnel of the wastewater collection system, the wastewater treatment facilities, and/or the treatment process.

(G) Any wastewater containing toxic or poisonous substances in such concentrations as to constitute a hazard to humans, animals, fish or birds; or to interfere with any wastewater treatment process; or to create any hazard in the receiving waters of the wastewater treatment plant.

(H) In no event shall any person exceed the following limits on toxic or poisonous substances:

Ammonia	30.00
Arsenic	0.05
Barium	1.00
Cadmium	0.02
Chlorinated Hydro-Carbons	0.40
Chromium	0.50
Chromium	1.00
Copper	0.10
Cyanide	0.10

Fluorides (total)	1.00
Iron	3.00
Lead	0.10
Manganese	1.00
Mercury	0.005
Methylene Chloride	0.50
Nickel	1.00
Organic Nitrogen	15.00
Phosphates (total)	10.00
Selenium	0.02
Silver	0.10
Sulfates (total)	100.00
Sulfides (total)	5.00
Surfactants	8.00
Zinc	0.50

The limits fixed herein shall be minimum requirements of all industrial users but do not relieve the user from limiting concentrations of these or other elements or chemical substances which may constitute a public health or safety hazard, or interfere with the public wastewater treatment process.

(I) Any noxious or malodorous gas or substance, singly or by interactions with other wastes being capable of creating a public health or safety nuisance or hazard to life or preventing entry into public sanitary sewers for their maintenance, inspection and repair.

(J) Any wastes which are of unusual volume, concentration of solids, or composition that may create obstruction to the flow in sewers or other interference with the proper operation of the wastewater works and the proper treatment of the influent.

(K) Wastewater containing substances which are not responsive to treatment by the wastewater processes employed, or are responsive to treatment to only such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(L) Any wastewater containing more than 1,500 mg/1 total solids.

(M) Wastewaters at a flow rate or containing such concentrations or quantities of pollutants, that exceed for any period longer than 15 minutes more than five times the average 24-hour concentration as defined during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.

(N) Any wastewater containing phenols or other taste producing substances in such concentrations as to produce odor or taste in the effluent as to effect the taste or odor of the receiving water.

(O) Any wastewater containing boron or chlorides in such concentrations as to interfere with any operation of the town's wastewater treatment facility, or to cause the wastewater treatment plant to fail to meet requirements of other agencies having jurisdiction over discharge to the receiving waters.

(P) Radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate state or federal agency having control over their use, and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

(Q) Any concentrated dye wastes, spent tanning solutions, or other wastes with objectionable color, not removable by the treatment process.

(R) Any wastewater containing polychlorinated biphenyls (PCB=S).
(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.127 BOD LIMIT.

The admission into the public sewers of any wastewaters having a five-day biochemical oxygen demand (BOD) in excess of having 250 mg/1 by weight on a 24-hour composite sample basis, or, for any sample taken at random, having a five-day biochemical oxygen demand in excess of three times average influent valve for the affected wastewater treatment facility during the previous calendar year, will be subject to review by the town. When, in the opinion of the town, discharge of wastewater into the public sewer system in strength exceeding the limits stated above may not be treatable at the publicly owned treatment works according to standards or as required by EPA/DEM, or when such discharge may interfere with the operation of the treatment works, the user shall, at his own expense, provide and operate pretreatment facilities and pretreat wastes to be discharged as may be required to meet the limits stated in this section. When the discharge of wastewater of strength exceeding these limits is permitted by the town, the user may, in addition to any other remedy, be assessed surcharge, rates.

(Ord. passed 11-1-98)

' 51.128 CHEMICAL OXYGEN DEMAND (COD).

The admission into the public sewers of any water or waste having a chemical oxygen demand (COD) in excess of 750 mg/1, by weight, on a 24-hour composite sample basis or for any grab sample having a chemical oxygen demand in excess of three times the average influent valve for the affected wastewater treatment facility during the previous calendar year, will be subject to review by the town. Discharges exceeding these limits may, in addition to any other remedy, be assessed surcharge rates. Where necessary, in the opinion of the Town, pretreatment may be required as stated for BOD heretofore.

(Ord. passed 11-1-98)

' 51.129 SUSPENDED SOLIDS.

The admission into the public sewers of any waters or wastes having a suspended solids content in excess of 200 mg/1, by weight, on a 24-hour composite basis or having a suspended solids content for any grab sample greater than three times the average influent valve recorded at the affected wastewater treatment facility during the previous calendar year, will be subject to review by the town. Discharges exceeding these limits may (in addition to any other remedy) be assessed surcharge rates. Where necessary, in the opinion of the town, pretreatment may be permitted as stated for BOD heretofore.

(Ord. passed 11-1-98)

' 51.130 FLOW EQUALIZATION.

(A) Tile admission into the public sewers of any wastewater in volumes, or with constituents, such that the transportation of such wastewater through the public sewer to the treatment facility will not sufficiently dilute such wastewater to prevent interference with treatment or to prevent endangerment of public health and safety at the treatment facility shall be prohibited.

(B) Where necessary, facilities for varying the rate of discharge may be required as part of the building sewer in order to bring constituents or volume of flow discharged within the limits previously prescribed or to an otherwise acceptable level, and/or to hold or equalize flows such that no peak flow conditions may hamper the operation of any unit of the public sewer or treatment facility. Such equalization unit shall have a capacity suitable to serve its intended purpose, and be equipped with acceptable outlet control facilities to provide flexibility in operation and accommodate changing conditions in the waste flow. Equalizing facilities shall be provided to prevent flows from exceeding the following limits:

<i>Average Flow Gallons/Day</i>	<i>Allowable Ratio of Peak to Average Flow</i>
10,000 to 100,000	3
100,000 to 500,000	2
More than 500,000	1.5

(Ord. passed 11-1-98) Penalty, see ' 10.99

' 51.131 DELETERIOUS DISCHARGES.

(A) If any wastewater is discharged, or is proposed to be discharged to the public sewers, which contains the constituents or processes the characteristics enumerated in the preceding sections of this subchapter, and which may have a deleterious effect upon the wastewater collection system, wastewater treatment processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town may as a condition to the waste discharge permit:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities, concentrations or rates of discharges; and/or
- (4) Require payment to cover the added cost of receiving, handling, and treating the wastes

not covered by current charges of fees for wastewater service.

(B) If the town permits or requires the pretreatment or equalization of waste flows, the design, installation of the plants and equipment and their effective operation shall be subject to the prior review and approval of the town and the state/federal agencies having jurisdiction and shall be subject to the requirements of all other applicable rules, regulations, ordinances and laws.

(C) In the event a spill or loss into the building sewer of any deleterious materials is threatened or occurs, the owner shall promptly notify the town of the nature of the spill or threatened spill, the quantity, and if it has occurred, the time of the spill. The cause of spills and losses of deleterious materials shall be corrected, and the costs of such correction, together with all resulting damages, shall be borne by the owner. (Ord. passed 11-1-98)

' 51.132 WATER QUALITY CHANGES.

(A) The town shall, from time to time, have tests made to determine the quality of waste being discharged into the public sewer from individual users of the wastewater system or from connections of building sewers carrying composite waste from domestic users and/or industrial users and from connections including the premises of industrial waste discharge permit holders under the provisions hereof If, at any time, such waste becomes of such quality and/or quantity, that requires pretreatment, then the town shall have the authority to require that proper permits be obtained and proper pretreatment facilities be installed by the permit holder at his expense.

(B) In the event of a significant change in a wastewater system user=s wastes being discharged to the public sanitary sewer, the user shall promptly notify the town of the nature of the change in quality or strength and in volume. These changes shall be subject to verification by the town. The town may require appropriate remedies for the adequate treatment of such wastes thus tested. Significant is defined here to mean a change of 10% or more in strength and/or volume of wastes, based on the average flow.

(Ord. passed 11-1-98)

' 51.133 STANDARDS OF WASTE DISCHARGE AND DELIVERY.

(A) The delivery of all effluent from a user to the public sanitary sewer shall be at a reasonable and uniform discharge rate, as produced without storage except that which is necessary in the pretreatment or equalization facilities of the waste producer.

(B) Wastes will be accepted which have satisfactory conditions or quality after pretreatment by the industrial user in a pretreatment facility and/or by a process which has been approved by the town, and which is continuously maintained and operated by the producer at no cost to the town and which is continuously subject to inspection by the town.

(Ord. passed 11-1-98)

' 51.134 SEPTIC TANK AND PORTABLE TOILET WASTES.

From and after November 1, 1973 discharge of septic tanks waste into the public sanitary sewer system by any means shall be prohibited.

(Ord. passed 11-1-98)

DIVISION 7. CROSS CONNECTIONS

' 51.135 INTRODUCTION.

(A) The purpose of this cross connection control subchapter is to define the authority of the Town of Plymouth as the water purveyor in the elimination of all cross connections within its public potable water supply.

(B) This subchapter shall apply to all users connected to the Town of Plymouth public potable water supply regardless of whether the user is located within the city limits or outside of the city limits.

(C) This subchapter will comply with the federal, state and local laws and regulations as they pertain to cross connections within the public water supply.

(Ord. 2014-05, passed 9-8-14)

' 51.136 OBJECTIVES.

(A) The specific objectives of the Cross Connection Control Ordinance for the Town of Plymouth are as follows:

(1) To protect the public potable water supply of the Town of Plymouth against actual or potential contamination by isolating, within the consumer=s water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system;

(b) To eliminate or control existing cross connections, actual or potential, between the consumers=s potable water system(s) and non-potable or industrial piping system (s); and

(c) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections that may be installed in the future.

(Ord. 2014-05, passed 9-8-14)

' 51.137 RESPONSIBILITIES.

(A) Responsibility: NC Department of Environment, Health and Natural Resources.

(1) The North Carolina Department of Environment, Health and Natural Resources has the responsibility for promulgating and enforcing laws, rules, regulations and policies to be followed in carrying out an effective cross connection control program.

(2) The NCDENR also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. They have the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer=s water system and, further, that he/she requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(B) Responsibility: water purveyor.

(1) Except as otherwise provided herein, the water purveyor=s responsibility **to** provide a safe water supply begin at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer=s water system(s).

(2) When it is determined that a backflow prevention assembly is required for the protection of the public system, the Town of Plymouth shall require the consumer, at the consumer=s expense, to install an approved backflow prevention assembly at each service connection, to test it immediately upon installation and thereafter at a frequency of one time each year, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(C) Responsibility: plumbing inspections. The inspection department of the Town of Plymouth has the responsibility to not only review building plans and inspect plumbing as it is installed; but, has the explicit responsibility of preventing cross connections from being built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment.

(D) Responsibility: consumer. The consumer has the primary responsibility of preventing pollutants and contaminants from entering his or her potable water system(s) or the public potable water system. The consumer=s responsibility starts at the point of delivery from the public potable water system and includes all of his or her water system(s). The consumer, at his or her own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town of Plymouth. The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three years. The records shall be on forms approved by the Town of Plymouth and shall include the list of materials or replacement parts used. Following any repair, overhaul, re-piping, or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. The consumer will be responsible notifying the town of any and all repairs or replacements to the existing backflow assembly, as well as testing information.

(E) Responsibility: certified backflow prevention assembly tester. When employed by the consumer to test, repair, and overhaul or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

(1) The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Town of Plymouth. The tester shall include the list of materials or replacement parts used. It will be the tester=s responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention

assembly. It will be the tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Town of Plymouth within ten business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three years.

(2) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment that has been evaluated and/or approved by the Town of Plymouth.

(3) All test equipment shall be registered with the Town of Plymouth. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, and certification of the accuracy supplied to the Town of Plymouth.

(4) All certified backflow prevention assembly testers must maintain their certification through continuing education hours each year.

(Ord. 2014-05, passed 9-8-14)

Water and Wastewater

51.138 DEFINITIONS.

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

AIR-GAP SEPARATION. Physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel but in no case less than one inch (2.54 cm).

APPROVED.

(1) As herein used in reference to a water supply shall mean a water supply that has been approved by the North Carolina Department of Environment, Health, and Natural Resources.

(2) **APPROVED** is herein used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly or other backflow prevention assemblies or methods used.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gases) or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

BACKFLOW PREVENTION ASSEMBLY-APPROVED.

(1) An assembly used for containment and/or isolation purposes that has been tested and approved by the Town of Plymouth and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

(2) The approval of backflow prevention assemblies by the Town of Plymouth or its contractor(s) is based on approval by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California, recommending such an approval.

BACKFLOW PREVENTION ASSEMBLY TESTER-CERTIFIED. A person who has proven their competency to the satisfaction of the Town of Plymouth. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

BACKFLOW PREVENTION ASSEMBLY TYPE. An assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

- (1) Double Check Valve Assembly (DCVA);
- (2) Double Check Detector Assembly Wire System) (DCDA);
- (3) Pressure Vacuum Breaker (PVB);
- (4) Reduced Pressure Principle Assembly (RP); and
- (5) Reduced Pressure Principle-Detect Assembly (Fire System) (RPDA).

BACKFLOW PREVENTION ASSEMBLY-UNAPPROVED. An assembly that has been investigated by the Town of Plymouth and has been determined to be unacceptable for installation within the Town of Plymouth=s water system. Consideration for disapproval and removal from the Approved List shall be based upon, but not limited to, the following criteria:

- (1) Due to poor performance standards (i.e., significant failure rate);
- (2) Lack of or unavailability of repair parts; and/or
- (3) Poor service or response from assembly=s factory representative(s).

BACKFLOW PREVENTION DEVICE-APPROVED. A non-testable device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

BACK-PRESSURE BACKFLOW. Any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery, which would cause or tend to cause a reversal of the normal direction of flow.

BACK-SIPHONAGE BACKFLOW. A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

CHECK VALVE APPROVED. A check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (e.g., clapper, poppet, or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly.

CONSUMER. Any person, firm, corporation using, or receiving water from the Town of Plymouth=s water system.

CONSUMER=S WATER SYSTEM. Shall include any water system commencing at the point of delivery and continuing throughout the consumer=s plumbing system, located on the consumer=s premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

CONTAINMENT. Preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

CONTAMINATION. An impairment of the quality of the water, which creates a potential or actual hazard to the public health, through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

CROSS CONNECTION. Any unprotected actual or potential connection or structural arrangement between a public or a consumer=s water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which a backflow can or may occur are considered to be **CROSS CONNECTIONS**.

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves, attached at each end of the assembly **and** fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

DOUBLE CHECK-DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

HAZARD, DEGREE OF. Shall be derived from the evaluation of conditions within a system which can be classified as either pollution (non-health) or A contamination (health) hazard.

HAZARD, HEALTH. An actual or potential threat of contamination of a physical, hazardous, or toxic nature to the public or consumer=s potable water system to such a degree or intensity that there would be a danger to health.

HAZARD, NON-HEALTH. An actual or potential threat to the quality of the public or the consumer=s potable water system. **ANON-HEALTH HAZARD** is one that, if introduced into the public) water supply system, could be a nuisance to water customers, but would not adversely affect human health.

HAZARD, POLLUTION. An actual or potential threat to the quality or the potability of the public or the consumer=s potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HEALTH AGENCY. The North Carolina Department of Environment, Health and Natural Resources (NCDEHNR).

INDUSTRIAL FLUIDS. Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; and the like.

INDUSTRIAL PIPING SYSTEM-CONSUMER=S. Any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures equipment, and appurtenances used to produce, convey, or store substances that are or may be polluted or contaminated.

ISOLATION

(1) The act of confining a localized hazard within a consumer=s water system by installing approved backflow prevention assemblies.

(2) The Town of Plymouth may make recommendations, upon facility inspections, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

POINT OF DELIVERY. Shall generally be at the property line of the customer or at a point on the customer=s property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer=s side of the water meter.

POLLUTION An impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

POTABLE WATER. Water from any source, which has been approved by the North Carolina Department of Environment, Health, and Natural Resources for human consumption.

PUBLIC POTABLE WATER SYSTEM. Any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environment, Health, and Natural Resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY. An assembly containing within its structure a minimum of two independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of failure of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

REDUCED PRESSURE PRINCIPLE-DETECTOR ASSEMBLY. A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a

registration for all rates of flow. This assembly shall be used to protect against health hazard (i.e., contaminant).

SERVICE CONNECTIONS. The service connection from the public potable water system, to the consumer's water system.

VACUUM BREAKER-ATMOSPHERIC TYPE. A device containing an air inlet valve, a check seat and air inlet port. The flow of water into the body causes an air inlet valve to close the air inlet port. When the flow of water stops, the air inlet valve falls and forms a check against back siphonage. An AVB has no test cocks and as such is considered a device. It can be used for non-health hazards (pollution) or a health hazard (contaminant) under back siphonage only. It is non-testable and cannot be used for containment or isolation protection of the town's potable water system.

VACUUM BREAKER-PRESSURE TYPE. An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a back-siphonage condition only.

WATER PURVEYOR. The owner or operator of a public potable water system, providing an approved water supply to the public.

WATER SUPPLY-APPROVED. Any public potable water supply that has been investigated and approved by the North Carolina Department of Environment, Health, and Natural Resources. The system must be operating under a valid permit to operate.

WATER SUPPLY-AUXILIARY. Any water supply on or available to the premises other than the purveyor has approved public potable water supply. These auxiliary water may include water from another purveyor's public water supply or any natural source such as well, spring, river, stream, and the like, used water, or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

WATER SUPPLY-UNAPPROVED. A water supply which has not been approved for human consumption by the North Carolina Department of Environment, Health and Natural Resources.

WATER-USED. Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

This subchapter is gender neutral and the masculine gender shall include the feminine and vice versa. *SHALL* is mandatory, *MAY* is permissive and discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(Ord. 2014-05, passed 9-8-14)

' 51.139 RIGHT OF ENTRY.

(A) Authorized representative(s) from Town of Plymouth or its contractor(s) shall have the right to enter, upon presentation of proper credentials and identification, any building, structure or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this subchapter. Those duties may include sampling and testing of water or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, Town of Plymouth personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

(B) On request, the consumer shall furnish to the Town of Plymouth, any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

(Ord. 2014-05, passed 9-8-14)

' 51.140 ELIMINATION OF CROSS CONNECTIONS: DEGREE OF HAZARD.

When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the Town of Plymouth. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows.

(A) Cross connections with private wells or other auxiliary water supplies-immediate disconnection.

(B) All facilities that pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.

(C) All industrial and commercial facilities not identified as a health hazard shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

(D) If, in the judgment of Town of Plymouth, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.

(E) Based upon recommendation from the Town of Plymouth, the consumer is responsible for installing sufficient isolation backflow prevention assemblies (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).

(F) Water mains served by the Town of Plymouth but not maintained by the Town of Plymouth should be considered cross connections, with the degree of hazard to be determined by the Town of Plymouth. Degree of protection shall be based upon the degree of hazard, as determined by Town of Plymouth.

(G) In the event that the Town of Plymouth does not have sufficient access to every portion of a private water system (i.e., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.

(H) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

(Ord. 2014-05, passed 9-8-14)

' 51.141 INSTALLATION OF ASSEMBLIES.

(A) All backflow prevention assemblies shall be installed in accordance with the manufacturer's installation instructions or in the latest edition of the North Carolina Building Code, whichever is most restrictive.

(B) Ownership, testing and maintenance of the assembly shall be the responsibility of the customer and/or consumer.

(C) All double check valve assemblies must be installed in drainable pits whenever below ground installation is necessary, in accordance with detailed specifications provided by the manufacturer.

(D) (1) Reduced pressure principle assemblies must be installed in a position and location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited).

(2) Double check valve assemblies may be installed in a vertical position with prior approval from the Town of Plymouth provided the flow of water is in an upward direction.

(E) The installation of a backflow prevention assembly that is not approved must be replaced with an approved backflow prevention assembly.

(F) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Town of Plymouth within 15 days after a reduced pressure principle backflow preventer (RP), double check-valve assembly (DCVA), pressure vacuum breaker (PVB), double check-detector assembly (DCDA) or reduced pressure principle detector assembly (RPDA) is installed:

- Service address where assembly is located;
- Owner (and address, if different from service address);
- Description of assembly's location;
- Date of installation;
- Installer (include name, tester certification number and test kit certification);
- Type of assembly, size of assembly;
- Manufacturer, model number, serial number;
- Test results/reports.

(G) When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The Town of Plymouth will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.

(H) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

- Health hazard - 30 days
- Non-health hazard - 45 days

(I) Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester within ten days.

(Ord. 2014-05, passed 9-8-14)

' 51.142 TESTING AND REPAIR OF ASSEMBLIES.

(A) Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the Town of Plymouth. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Town of Plymouth within ten business days after the completion of any testing and/or repair work.

(B) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Town of Plymouth, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

- (1) Health hazard facilities: 14 days
- (2) Non-health hazard facilities: 21 days

(C) All backflow prevention assemblies with test cocks are required to be tested annually by the tester. Testing requires a water shutdown usually lasting five to 20 minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.

(D) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the Town of Plymouth. All test equipment shall be registered with the Town of Plymouth by the tester. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, and certified to the Town of Plymouth as to such accuracy/calibration by the tester.

(E) It shall be unlawful for any customer or certified tester to submit any record to the Town of Plymouth that is false or incomplete in any material respect. It shall be unlawful for any customer or

certified tester to fail to submit to the Town of Plymouth any record that is required by this subchapter. Such violations may result in any of the enforcement actions outlined in ' 51.144B.
(Ord. 2014-05, passed 9-8-14)

51.143 FACILITIES REQUIRING PROTECTION.

Approved backflow prevention assemblies shall be installed on the service line to any premises that the Town of Plymouth has identified as having a potential for backflow. The following types of facilities or services have been identified by the Town of Plymouth as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town of Plymouth. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed below.

DCVA Double check valve assembly
 RP Reduced pressure principle assembly
 DCDA Double check detector assembly
 RPDA Reduced pressure detector assembly
 AG Air gap
 PVB Pressure vacuum breaker

1.	Aircraft and missile plants	RP
2.	Automotive services stations, dealerships, etc.	RP
3.	Automotive plants	RP
4.	Auxiliary water systems <ul style="list-style-type: none"> a. Approved public/private water supply b. Unapproved public/private water supply c. Used water and industrial fluids 	RP AG RP
5.	Bakeries <ul style="list-style-type: none"> a. No health hazard b. Health hazard 	DCVA RP
6.	Beauty shops/barber shops	RP
7.	Beverage bottling plants	RP

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8.	Breweries	RP
9.	Buildings hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections	RP
10.	Canneries, packing houses, and rendering plants	RP
11.	Chemical plants manufacturing, processing, compounding or treatment	RP
12.	Chemically contaminated water systems	RP
13.	Commercial car-wash facilities	RP
14.	Commercial greenhouses	RP
15.	Commercial sales establishments (department stores, malls, etc.)	
a.	No health hazard	DCVA
b.	Health hazard	RP
16.	Concrete/asphalt plants	RP
17.	Dairies and cold storage plants	RP
18.	Dye works	RP
19.	Film laboratories	RP
20.	Fire systems Systems 3/4" (inch) to 2" (inch): a. No health hazard b. Health hazard (booster pumps, foam, antifreeze solution, etc.) Systems 2 AA@ (inch) to 10" (inch) (or larger) a. No health hazard b. Health hazard (booster pumps, foam, antifreeze solution, etc)	DCDA RPDA DCDA RPDA
21.	Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals	RP
22.	Industrial facilities a. No health hazard b. Health hazard	DCVA RP
23.	Laundries	RP
24.	Lawn irrigation systems	RP

25.	Metal manufacturing, cleaning, processing, and fabricating plants	RP
26.	Mobile home parks	RP
27.	Oil and gas production, storage, or transmission properties	RP
28.	Paper and paper products plants	RP
29.	Pest control (exterminating and fumigation)	RP
30.	Plating plant	RP
31.	Power plants	RP
32.	Radioactive materials or substances-plants or facilities handling	RP
33.	Restaurants	RP
34.	Restricted, classified, or other closed facilities	RP
35.	Rubber plants (natural or synthetic)	RP
36.	Sand and gravel plants	RP
37.	Schools and colleges	RP
38.	Sewage and storm drain facilities	RP
39.	Swimming pools	RP
40.	Waterfront facilities and industries	RP
All assemblies and installations shall be subject to inspection and approval by the Town of Plymouth.		

(Ord. 2014-05, passed 9-8-14)

' 51.144 CONNECTIONS WITH UNAPPROVED SOURCES OF SUPPLY.

(A) No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Environment, Health, and Natural Resources to the water system supplied by the Town of Plymouth.

(B) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the Town of Plymouth immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

(Ord. 2014-05, passed 9-8-14)

' 51.144A FIRE PROTECTION SYSTEMS.

(A) All connections for fire protection systems connected with the public water system, two inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.

(B) All connections for fire protection systems connected with the public water system, greater than two inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the **main** service connection.

(C) All existing backflow prevention assemblies, two and one-half inches and larger, installed on fire protection systems (that were initially approved by the Town of Plymouth shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this subchapter. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.

(Ord. 2014-05, passed 9-8-14)

' 51.144B ENFORCEMENT.

(A) The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this subchapter shall be notified in writing with regard to the corrective action(s) to be taken. The time for compliance shall be in accordance with ' 51.140.

(B) The owner, manager, supervisor, or person in charge of any installation, which remains in non-compliance after the time prescribed in the initial notification, as outlined in ' 51.140, **shall** be considered in violation of this subchapter and may be subject to the discontinuation of water service by the Town of Plymouth.

(C) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to discontinuation of water service.

(D) If, in the judgment of Town of Plymouth, any owner, manager, supervisor or person in charge of any installation found to be in non-compliance with the provisions of this subchapter, neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.

(E) If a certified backflow prevention assembly tester submits falsified records to the Town of Plymouth, the Town shall revoke the tester=s certification to test backflow prevention assemblies within the areas served by the Town of Plymouth=s potable water system.

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(F) Enforcement of this program shall be administered by the Town of Plymouth. (Ord. 2014-05, passed 9-8-14)

PAYMENT FOR CONSTRUCTION COST

' 51.145 GENERAL REQUIREMENTS WITHIN TOWN.

(A) Water and sewer extensions shall be made upon order of the town as it deems necessary, and in accordance with provisions of state law the cost of such extensions shall be borne by the owners of property abutting the water or sewer extension improvement, according to this policy.

(B) Corner lots are exempt from front foot water or sewer improvement assessments for a maximum of 150 feet on one side of a corner lot. In the event a water or sewer line is constructed across only one side of a corner lot, that side shall be assessed at the then existing rate for its full distance. At such time in the future that a water or sewer line is extended across the other side of that corner lot, that side will be assessed at then existing rate; except, that a corner lot exemption up to 150 feet, but not exceeding the distance along that side, shall be allowed, provided an assessment has been paid for the first side. Lots having a double frontage shall be assessed for water and sewer improvements on both sides if both sides can be developed according to the zoning ordinance. If double frontage lot is also a corner lot, only one corner lot exemption shall be allowed, unless both frontages can be developed according to the zoning ordinance and both frontages have been assessed. In such case the property shall be entitled to two corner lot exemptions.

(C) An assessment for water and sewer extensions made under this policy may be spread over a period of ten years if requested by the property owner. Such assessments shall bear interest at the highest rate provided by state law per annum on the unpaid balance, with the first assessment becoming due in October next succeeding the date of improvements within the town limits only.

(Ord. passed 11-1-98)

' 51.146 WATER AND SEWER CONNECTION FEES AND CAPITAL INVESTMENT FEES.

(A) Water and sewer connection fees.

(1) Water and sewer fees shall be established by the Town Council from time to time.

(2) Any minimum fee as established by the Town Council shall be paid prior to construction of the tap. Any additional fees to equal the total actual construction cost shall be paid prior to customer making a tie-in to the tap. For any tap larger than those set by the Town Council from time to time, the town staff shall estimate the cost at the time of the request. Any additional cost to equal the total actual construction costs shall be paid prior to customer making a tie-in to the tap. For taps requiring more than usual construction work, the town may require customer to employ an outside contractor to make the tap. Contractors shall obtain a permit from the town and all work shall be in accordance to town specifications.

(B) Capital investment fees. Capital investment fees are charges for the construction of water lines and sewer lines, which, at the time of construction, abut property outside the corporate limits Fees shall be charged as follows before water or sewer services is provided:

<i>Type</i>	<i>Fee per front foot</i>
Water	As established by Town Council
Sewer	As established by Town Council

Property which is annexed into the town and abuts an existing water line or sewer line, and has not previously paid a capital investment fee, shall pay the following capital investment fees before service is provided:

Water
Sewer

As established by Town Council
As established by Town Council

Property owners within the corporate limits may pay their equal investment fees in ten equal annual installments, if requested by the property owners. Such capital investment fees will bear interest at the highest rate provided by state law per annum on the unpaid balance, with the first payment becoming due in October next succeeding the date the capital investment fee charge is made.

(Ord. passed 11-1-98; Am. Ord. 2016-11, passed 4-11-16)

RATES AND CHARGES

51.155 SERVICE FEES-NEW CUSTOMERS.

New customers to the water and wastewater system will be charged a service fee in an amount as established by the Town Council from time to time and shall be charged the deposit fees as required in ' 51.157.

(Ord. passed 11-1-98; Am. Ord. 2016-12, passed 4-11-16)

' 51.156 SAME; TRANSFERS.

Customers moving from one location to another within the water and wastewater system shall be charged a non-refundable service fee in an amount as established by the Town Council from time to time, which should be paid at the time of the transfer request.

(Ord. passed 11-1-98; Am. Ord. 2016-13, passed 4-11-16) Penalty, see ' 10.99

' 51.157 WATER DEPOSITS.

(A) The deposit for residential water service shall be as follows: any person applying for water to be furnished to a residential premises shall make a deposit to the Town in an amount as established by the Town Council from time to time.

(B) The deposit for commercial water service shall be as follows:

(1) Any person applying for water to be furnished to commercial premises shall make a deposit according to the following schedule:

Commercial customers 1/6 of annual charges. The initial deposit shall be based upon the town estimate of customer's usage. After six billing periods following the initial deposit, the customer's actual usage will be reviewed, and the deposit adjusted to reflect such actual usage. If the amount of the required deposit is decreased, the difference shall be credited to the customer's account; if the amount of the required deposit is increased, the differences shall be billed to the customer.

(C) Building contractors requesting temporary water services shall be required to provide a deposit to the town as established by the Town Council from time to time. However, each building contractor or his representative will be required to make a written request showing the date, the location of the service and the name in which the service is required.

(D) A deposit may be required on any account not having the same if the customer fails to pay his bill and service is disconnected for failure to pay. Such deposit shall be made before service is reconnected.

(E) The deposit may be increased, in the town=s discretion upon the customer=s third failure to pay a bill in a timely manner, having service terminated for nonpayment or having a check or draft returned because of insufficient funds or a check or draft returned because of insufficient funds or a closed account. This increase shall be an amount equal to one-twelfth of the estimated annual charges for residential premises or two-twelfths of the estimated annual charges for commercial premises.

(F) When service is disconnected at the customer=s request, the deposit shall be credited to the customer=s final bill. If any deposit remains, the town shall hold the final bill and mail it along with a town check to the customer at the address given by the customer. If the departing customer does not leave a valid forwarding address with the town, the refund shall be held for 30 days before being placed into an inactive status file. Deposit returns apply only to customers who are moving off the town=s system and not to those customers, who are transferring service from one location to another within the town=s system, the deposit shall be transferred with the service.

(G) Each customer shall appear personally or fax or send a letter to apply for or terminate water service with the town.

(Ord. passed 11-1-98; Am. Ord. 2016-04, passed 4-11-16)

' 51.158 WATER RATES AND BILLS.

(A) *Single family residential service.*

(1) This schedule is available for the supply of drinking water to single-family residences within the town and outside the town limits where the town=s water supply facilities are extended.

(2) Service is not available under this schedule for any non-domestic use, such as for a business operated in the residence; for commercial or multi-family use, such as master metered apartments, motel, inns and mobile home parks; or for resale.

(3) This schedule is applicable when a water service lateral up to one inch in diameter services the customer=s residence.

(4) The minimum monthly charge and the town water rates for inside town customers will be established by the Town Council from time to time and noted in the official meeting minutes to be effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside town customers.

(5) Commodity charges exceeding minimum charges will be based on the customer=s total water consumption during the billing period. Water consumption will be metered and rounded to the nearest ten gallons for billing except, that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the average amount theretofore used by the premises served by such meter during the preceding three months or during the portion of such period for which water use records are available, or if water was not consumed by the premises through the meter during such preceding period, the bill rendered shall be for the average period and for the same class in the town during the period covered by the bill. Bills shall be rendered separately for each service or connection. All bills shall be made out and mailed as early as practicable after the close of the period covered by such bills.

(B) *General service for customers who are not single family residential customers.*

(1) This schedule is available for the supply of drinking water to commercial, industrial, institutional, and other customers within the town and outside the town limits where the town=s water supply facilities are extended. Service is not available under this schedule for resale service.

(2) The minimum monthly charge and the town water rates for inside town customers will be established by the Town Council from time to time and noted in the official meeting minutes to be effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside town customers.

(3) Commodity charges exceeding minimum charges will be based on the customer's total water consumption during the billing period. Water consumption will be metered and rounded to the nearest ten gallons for billing. When total use is not known, the town will render bills on the basis of estimates.

(4) The minimum monthly charge and the town water rates for inside town customers will be established by the Town Council from time to time and noted in the official meeting minutes to be effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside town customers.

(Ord. passed 11-1-98; Am. Ord. 2016-15, passed 4-11-16) Penalty, see ' 10.99

' 51.159 SEWER RATES AND BILLS.

(A) Single family residential service.

(1) This schedule is available for the collection and treatment of domestic sewage from single-family residences within the town and outside the town limits where the town's collection facilities are extended.

(2) Service is not available under this schedule for any non-domestic sewage; such as from business operated in the residence, for commercial for multifamily use, such as master metered apartments, motels, inns and mobile home parks; or for resale.

(3) This schedule is applicable when a water service lateral up to one inch in diameter serves the customer=s residence.

(4) The minimum monthly charge and the town sewer rates for inside town customers will be established by the Town Council from time to time and noted in the official meeting minutes to be effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside town customers.

(5) Customers not receiving town water service shall provide a meter to measure total use. When total use is not known, the town will render bills on the basis of estimates.

(6) The sewer service charge shall be billed to each customer at the same time that water bills are rendered and shall be collected at the same time and in the same manner as water accounts.

(B) General service for customers, who are not single family residential customers.

(1) This schedule is available for the collection and treatment of sewage discharged by commercial, industrial, institutional and other customers within the town and outside the town limits where the town=s collection facilities are extended. Service is not available under this schedule for resale service.

(2) The minimum monthly charge and the town sewer rates for inside town customers will be established by the Town Council from time to time and noted in the official meeting minutes to be effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside town customers.

(3) The minimum monthly charge and the town sewer rates for inside customers will be established by the Town Council from time to time and noted in the official meeting minutes to be

effective at the beginning of the next billing cycle. The minimum monthly charge for outside town customers will be double (two times) the minimum monthly charge for inside customers.

(4) Charges will be established periodically for billing of some costs attributable to wastewater with greater pollutant concentrations than normal domestic sewage.

(5) Sewer consumption will be metered and rounded to the nearest ten gallons for billing. Customers not receiving town sewer service shall provide a meter to measure total use. When total use is not known, the town will render bills on the basis of estimates.

(6) The sewer service charge shall be billed to each customer at the same time that water bills are rendered and shall be collected at the same time and in the same manner as water accounts.

(Ord. passed 11-1-98; Am. Ord. 2016-16, passed 4-11-16)

51.160 BILLING, PAYMENT, PENALTIES.

(A) All water and wastewater meters shall be read monthly, and bills shall be mailed on a cycle basis.

(B) Every bill shall be due when mailed to the customer at the last address provided by the customer. A bill shall reflect a due date of 15 days from the billing date shown on the bill. The same notice will serve as a notice of possible disconnect if payment is not received within 32 days of the billing date, allowing greater than the statutory minimum.

(C) A late payment penalty as established by the Town Council from time to time will be imposed on balances not paid on or before the due date and an additional late fee penalty as established by the Town Council from time to time will be imposed if the bill remains unpaid after five additional working days.

(D) If payment has not been received within 32 days from the original billing date, services may be disconnected and a service fee as established by the Town Council from time to time will be imposed.

(E) A customer whose services are disconnected for such delinquency may have services restored during regular working hours within 24 hours after the bill is paid in full. If a customer requests that services be reconnected after regular working hours (3:30 p.m.), on the same day, then an additional non-refundable service fee in the amount as established by the Town Council from time to time must be paid at the time of the request, if town staff determines that it can be done on the same day.

(F) The customer shall pay all billed utility charges before transferring service from one location to another. The final bill shall be mailed to the customer=s new billing address. If a customer fails to pay his utility bills for any account where he is listed as the customer and such account becomes delinquent, the town may transfer the amount owed to any other account where the customer is a primary recipient of utilities and cutoff utilities to such account for nonpayment. The town may also refuse to transfer an account to a new customer=s name or connect services to a new account where the delinquent customer will be primary recipient of utilities wherever he/she is listed as a customer, resides as a head of household or conducts a trade or business. The town=s determination that a customer is primary recipient of utilities shall be effective until the customer proves otherwise.

(G) Any customer who has a check or draft returned from any financial institution because of insufficient funds or a closed account shall be charged a service fee in accordance with G.S. ' 25-3-512.

(H) Failure to receive bills or notices shall not prevent such bills from becoming delinquent, nor relieve the owner/customer from payment.

(I) Service for residential and commercial units which are normally rented and for which tenants have made deposits and paid water bills shall, if they become vacant and unoccupied, be the responsibility of the property owner. Billing shall be made to such owner for each full month=s vacancy at the minimum meter rate for that service, unless usage dictates otherwise. Failure of an owner to pay such bills shall result in suspension of service until all accounts due are paid in full.

(J) Charges for water and sewer are stated separately on all bills. All charges for sewer service, regardless of occupancy, tenants or number of meters servicing the premises shall be the legal obligation of the owner. (G. S. ' 160A-314(d)(2)).

(K) Pursuant to the provisions of G.S. ' 160A-314(b), all payments received upon bills rendered for water, sewer and sanitation/trash upon a monthly basis shall be applied to the customer=s account as follows: First to fees for sanitation/trash; second to fees for sewer; and third to fees for water. All unpaid balances shall be collected as provided in this chapter for collection and/or disconnection.

(Ord. passed 11-1-98; Am. Ord. passed 4-9-07; Am. Ord. 2016-17, passed 4-11-16) Penalty, see ' 10.99

' 51.161 METER TESTING; PROTESTED BILLS.

If a customer has an excessive bill and thinks that a faulty meter causes it, he or she may, by making a deposit as established by the Town Council from time to time with the town, request that the meter be removed and checked. If the meter is found to be in error, the deposit will be refunded and the bill adjusted for the three preceding months. The adjustment will be based on the percentage of error in the meter. If the meter is found to be accurate, the town will retain the deposit.

(Ord. passed 11-1-98; Am. Ord. 2016-18, passed 4-11-16)

' 51.162 ADJUSTMENT OF WATER AND SEWER BILLS.

(A) If the town determines that it has overcharged or undercharged a customer on account of its error, the town shall refund or recover the difference subject to the following:

(1) The adjustment period shall be limited to the lesser of the actual period during which the error occurred or 12 months;

(2) The amount of adjustment shall be determined by the town based upon such evidence as he deems appropriate and must be approved by the Town Manager; and

(3) Any overcharge may be either refunded or credited to the customer and any undercharge shall be billed to the customer.

(B) If the town determines that it has undercharged a customer on account of any lawful or materially misleading act of such customer, the undercharge shall be determined and collected as set out above except the adjustment period shall be greater of the actual period during which the 12 months, if the adjustment period cannot be determined. The town shall, in addition to collecting such undercharge, have the right to take such other action against such customer as is permitted by law.

(C) If the seal of a meter is broken by other than the town's representative or if the meter fails to register correctly or is stopped for any cause, the owner/customer shall pay an account estimated from the record of his previous bills or from other proper data.

(D) Adjustments of bills may be made by the Town Manager upon submission of an invoice from a licensed plumber verifying the existence of a leak and repair of it. The adjustment will be made by averaging the current excessive bill plus the previous two months' bills. The adjustment will be made on water charges. Determining the average of the previous 12 months' sewer bills will make adjustments for sewer charges.

(Ord. passed 11-1-98)

' 51.163 SUSPENSION OF SERVICE GENERALLY.

(A) When services are discontinued and all bills paid, the deposit will be refunded.

(B) Any person tampering with, reconnecting, or by-passing any meter upon premises where service has been discontinued for failure to pay bills shall be guilty of a misdemeanor and punished pursuant to the provisions of G.S. ' 14-4.

(C) The town may, in addition to prosecution, permanently refuse service to any owner/customer who tampers, adjusts, or resets, or otherwise interferes with meters or measuring devices.

(Ord. passed 11-1-98)

' 51.164 SEVERABILITY.

If any provision, paragraph, word, section or subchapter of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

(Ord. passed 11-1-98)

' 51.165 CONFLICT.

All other ordinances and provisions of the previous Chapter 22 of the town code inconsistent with the foregoing ordinances are repealed.

(Ord. passed 11-1-98)

' 51.166 EFFECTIVE DATE.

This chapter shall be in force and effect on November 1, 1998.

(Ord. passed 11-1-98)

CHAPTER 52: STORMWATER MANAGEMENT UTILITY

Section

- 52.01 Authority
- 52.02 Stormwater utility
- 52.03 Boundaries and jurisdiction
- 52.04 Definitions
- 52.05 Stormwater management fee

' 52.01 AUTHORITY.

Pursuant to G.S. Chapter 160A, Article 16, the town is authorized to create a stormwater utility and establish a schedule of stormwater fees for property in the corporate limits and later annexed into the town. (Ord. passed 4-9-07)

' 52.02 STORMWATER UTILITY.

A stormwater utility is hereby established to provide stormwater management services, as authorized by state law. Stormwater service charges will be determined and modified from time to time so that the total revenues generated by said charges will be used to pay any costs incurred by the town for stormwater purposes and such expenses as are reasonably necessary or convenient in the planning, construction, operation, and maintenance of the stormwater system.
(Ord. passed 4-9-07)

' 52.03 BOUNDARIES AND JURISDICTION.

The boundaries and jurisdiction of the Stormwater Management Utility shall extend to the corporate limits of the city, as they may exist from time to time, and such areas lying outside the corporate limits of the city as shall be approved by the Town Council.
(Ord. passed 4-9-07)

' 52.04 DEFINITIONS.

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

DEVELOPED PROPERTY. Real property which has been altered from its natural state by the addition and attachment of any improvements such as buildings, structures or other impervious area. For new construction, property shall be considered developed property upon final approval of site improvements by the city.

EQUIVALENT RESIDENTIAL UNIT (ERU). The total impervious area of a typical single-family residential property, and is determined as the median impervious area of a representative sample, as determined by the city, of all developed residential properties in the single-family residential category. Impervious surface area means a surface which, because of its composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including but not limited to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, streets, or compacted gravel surfaces.

PROPERTY OWNER OF RECORD. The person identified as owner by county tax records.

REVENUES. All fees, assessments or other income received by the stormwater utility, including but not limited to amounts received from the investment or deposit of monies in any fund or account, and all amounts received as gifts or donations, and the proceeds from the sale of bonds to finance the stormwater management program, or any other type of funds derived from grants, fees or loans which by purpose or effect relate to stormwater management activities.

SINGLE FAMILY RESIDENTIAL PROPERTY. Developed property which serves the primary purpose of providing a permanent dwelling unit, regardless of the zoning district in which such property is located,

for single-family detached units, and which may or may not have accessory uses related to the purpose of providing permanent dwelling facilities.

STORMWATER UTILITY SERVICE FEE. The monetary amount charged each parcel of real property for the services provided by the stormwater utility system and program as set forth in the city schedule of rates and fees, a copy of which is located in the office of the city clerk and is incorporated by reference herein.

(Ord. passed 4-9-07)

' 52.05 STORMWATER MANAGEMENT FEE.

(A) The stormwater management fee shall be effective and commence on June 1, 2007. Said fee shall be initially assessed and billed on the basis of improved property as defined herein, owned on June 1, 2007 and this fee will be billed on the monthly utility bill received by all properties receiving water, sewer, garbage, and/or landfill charges.

(B) The stormwater management fee shall be assessed, billed and collected by the Utility Collections Clerk from the owners/occupiers of all property receiving a town utility bill.

(C) The stormwater management fee shall be assessed to owners at a rate of \$3 per month on the utility bill.

(D) The stormwater management fee shall be billed with monthly utility bills, shall be payable in the same manner as utility bills and in the case of nonpayment, shall be collected in any manner by which the delinquent utility bills can be collected.

(Ord. passed 4-9-07)

