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CHAPTER 14 - UTILITIES

Subchapter I - General Provisions

Article I - General Provisions

Section 14-1 Definitions.

(A) Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

(1) **Administrator.** The Public Works Director or any other person designated by the Board to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

(2) **B.O.D. (Biochemical Oxygen Demand).** The quantity of oxygen (expressed in milligrams per liter) required to satisfy the five (5) day oxygen demand of a million pounds of domestic sewage or industrial wastes (or a combination of both) when tested in accordance with the procedures given in the latest edition of "Standard Methods of the Examination of Water and Sewage," published by The American Public Health Association. B.O.D. is a measure of the polluttional strength of wastes of any nature.

(3) **Combined Sewer.** A sewer receiving both surface runoff and sewage.

(4) **Domestic Sewage.** Liquid wastes from bathrooms, toilet rooms, kitchens and home laundries.

(5) **Garbage.** Solid wastes from the preparation, cooking, handling, and dispensing of food.

(6) **Industrial Wastes.** Liquid wastes from institutional, commercial, and industrial processes and operations as distinct from domestic sewage.

(7) **Liquid Wastes.** Waste products that are either dissolved in or suspended in a liquid.

(8) **Natural Outlet.** That body of water, stream, or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

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

(10) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food, shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

(11) **Sanitary Sewer.** A pipe or conduit that carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.

(12) **Sanitary Sewer System.** The sanitary sewer system owned and operated by the town, including all sanitary sewer lines and pipes, the sewage treatment plant, and all other facilities used in connection with the collection, treatment, and disposal of sewage. The term "sewer system" is sometimes used interchangeably.

(13) **Sewage.** Liquid wastes.

(14) **Sewage Treatment Plant.** The facility owned by the town where sewage is collected and treated.

(15) **Sewage Treatment System.** Sanitary sewer system.

(16) **Suspended Solids.** Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(17) **Water System.** The water utility system owned and operated by the town, including all devices and facilities for the treatment, storage and distribution of water.

Section 14-2 Penalties and Remedies.

(A) As provided in Article IV, termination of service is a remedy available to the town to enforce any of the provisions of this chapter.

(B) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. 14-4: Sections 14-16, 14-31(a) and (b), 14-36, 14-37, 14-77, 14-78, 14-81, 14-82, and 14-83.

(C) A violation of any of the sections listed in subsection (B) other than Section 14-78 shall subject the offender to a civil penalty of \$100.00. A violation of any of the provisions of Section 14-78 shall subject the offender to a civil penalty of \$200.00. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.
[Amended July 13, 1993]

(D) The town may seek to enforce any of the provisions of this chapter through any appropriate equitable action.

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

(F) If a violation of any of the provisions of this chapter results in a danger to the public health or safety, the town may abate such a nuisance through the procedures set forth in Sections 11-38 through 11-41 of this code.

(G) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

Sections 14-3 through 14-5 Reserved.

CHAPTER 14 - UTILITIES

Subchapter II - Service to Properties Previously Connected to the Water or Sewer System

Article II - Service Regulations

Section 14-6 Application for Service.

Application for water or sewer service shall be made at the town hall during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for payment of bills, and shall be signed by the customer or by his authorized agent.

Section 14-7 Denial of Service for Nonpayment of Prior Accounts.

(A) The town may reject an application for service if there is an outstanding amount due the town for water or sewer service in the applicant's name.

(B) A lessee making an initial application for service to his leased premises shall not be refused service by the town solely because of an outstanding amount owed the town by another customer for service previously furnished to that same address.

Section 14-8 Deposit.

(A) Every applicant for service shall make a cash deposit with the town in the amount referenced in Section 14-9 (Rates). The purpose of this deposit is to provide security for the payment of all charges by the customer. The town retains the right, upon thirty days written notice, to require the customer to increase the deposit a maximum of twice the amount of the highest monthly bill theretofore rendered.

(B) Initial deposits shall be made with the service applications. Additional deposits, if required pursuant to subsection (A), shall be made within thirty days after receipt by the customer of the written notice specified in subsection (A).

(C) A separate deposit shall be paid on each installed water meter.

(D) No interest shall be paid on the deposit.

(E) Upon termination of service, the deposit shall either be applied to any outstanding bill or refunded to the customer, as provided in Sections 14-31 and 14-32.

Section 14-9 Rates.

The Board may adopt and amend from time to time a schedule of rates and charges relating to the water and sewer services provided by the town. A copy of this schedule shall be maintained and

shall be available for public inspection during regular office hours in the office of the town clerk.

Section 14-10 Minimum Service Charge.

- (A) The minimum service charge, as provided in the rate schedule, shall be made for each meter installed regardless of location.
- (B) The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied.
- (C) Charges for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.

Section 14-11 Access to Premises.

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

Section 14-12 Meter Reading and Determination of Charges.

- (A) Ordinarily, meters will be read once every two months and bills rendered once every two months. However; the town reserves the right to vary this schedule if necessary or desirable.
- (B) When two or more meters are installed in the same premises for different customers, the town shall clearly identify which meter services which customer.
- (C) Where there are multiple dwelling units on one lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be responsible for the bill for meters jointly used by one or more tenants.
- (D) Readings from different meters will not be combined into one account for billing.
- (E) Subject to Section 14-15, a charge shall be made for all water passing through the customer's meter.
- (F) Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

Section 14-13 Bills.

- (A) Bills are due within 20 days of the date of billing and become delinquent thereafter. A late penalty charge in the amount of ten percent (10%) on the unpaid balance, including water, sewer, and solid waste charges, may be added to all delinquent accounts.

[Amended June 10, 1997]

- (B) Bills shall notify customers of the provisions of subsection (A) and shall contain a phone number where a town employee can be contacted concerning questions about the bill.

Section 14-14 Verification of Meter Readings.

(A) If a customer believes his bill to be in error, either as a result of the town's failure to read the meter correctly or a failure of the meter to register accurately the amount of water consumed, such claim must be presented in person or in writing at the town hall. A pending claim shall not prevent a bill from becoming delinquent, with all the consequences provided for herein. However, a bill may be paid under protest, and if the claim is substantiated, the customer shall be entitled to a credit or a refund for any overpayment made.

(B) If a customer believes his meter has not been correctly read, he may request a special meter reading. If such special meter reading discloses that no error was made, the customer shall be charged the special meter reading fee provided for in the schedule referenced in Section 14-9, and such fee shall be added to the customer's next water bill. No fee shall be charged if the initial meter reading was in error.

(C) If a customer believes that a water meter on his premises is not registering water consumption accurately, he may request a test of the meter by the town. If the meter is found to overregister beyond two percent of the correct volume, no charge shall be made for this service. Otherwise, the customer will be charged the meter testing fee provided for in the schedule referenced in Section 14-9, and such fee shall be added to the customer's next water bill.

Section 14-15 Calculation of Bill Where Equipment Fails.

(A) If the seal of the meter is broken by other than the town's representatives or in the event that the meter fails to register the use of water, the customer shall be charged the amount computed using the appropriate following formula for the period in which the meter failed to register:

(1) If the customer has been an occupant at the same location for three (3) years or more he shall be charged the current rate based upon the average consumption for the same month during the previous years of occupancy.

(2) If the customer has been an occupant at the same location for less than three (3) years he shall be charged the current rate based upon the average amount of water consumed monthly.
[Amended March 12, 1996]

Section 14-15.1 Customer Service Line Leaks or Breaks (Adjustments)

(A) Where a customer receives a water bill that reflects extraordinary charges for a billing period, and where the customer demonstrates to the reasonable satisfaction of the town that a break or leak on the customer's side of the meter was the cause of the extraordinary charges, an adjustment may be made to the customer's water bill in accordance with the provisions of this section.

(B) An adjustment may be made to the water bill under the following conditions:

(1) On a concealed leak in the customer's piping, an adjustment may be made upon receipt of a statement from a licensed plumber, or upon receipt for a signed statement from the property owner or his/her legal representative, that the leak has been repaired and that the repair meets or exceeds the plumbing codes of the town.

(2) Under other circumstances, such as the theft of services by someone other than the property owner, where the evidence indicates to the Public Works Director that an adjustment is the appropriate answer to the situation.

(C) The Public Works Director shall have the authority to grant an adjustment equal to the following:

- (1) On the water portion of the utility bill, the customer shall be required to pay the established minimum water charge. The Public Works Director may grant an adjustment of one-half (50%) of the remaining portion of that bill.
- (2) On the sewer portion of the utility bill, where the excess water from the break or leak did not enter the sanitary sewer system, the customer shall be required to pay an amount equal to the customer's average bi-monthly sewer bill. The Public Works Director may grant an adjustment of all other sewer charges.
- (3) On the sewer portion of the utility bill, where the excess water from the break entered the sanitary sewer system, the customer shall be required to pay the established minimum sewer charge. The Public Works Director may grant an adjustment of one-half (50%) of the remaining portion of that bill.
- (4) If the break occurred during a period which overlapped two consecutive billing periods, both bills may be adjusted accordingly. In no case shall the adjusted bill be lower than the average bill for the premises based on the seasonal consumption.
- (5) No adjustment shall be made unless the gallons billed are at least 10,000 gallons more than the average bi-monthly billing.
- (6) If unsatisfied with the decision of the Public Works Director, the customer may appeal that decision to the Town Manager.

(D) To be eligible for an adjustment under this policy, the leak must be a *concealed* leak. Leaking or running commodes; treatment systems; faucets, whether inside or outside; exposed piping; indoor or outdoor showers; hose bibs; water fountains; dishwashers; etc; **shall not** be considered concealed leaks.

(E) Provided, however, that no adjustment will be allowed where the break or leak occurred during a period when the premises was left vacant or unattended by the customer for a period in excess of two weeks and where the customer failed to turn the water off at the meter. This provision shall not apply, though, to the sewer portion of the utility bill where the excess water did not enter the sanitary sewer system.

(F) When the Water Department personnel discover that a leak exists, and the owner is notified of the same, the owner shall take immediate steps within seven (7) calendar days to correct the situation. Undue delay by the owner shall cause forfeiture of any benefits from this adjustment policy.

(G) The record owner of property to which service is supplied shall be responsible for the repair, maintenance, or replacement of any leaks occurring in the owner's system without regard to whether the property is occupied by the owner, a tenant, or is unoccupied. Each owner shall be responsible for the tenant's use of plumbing fixtures, pipes, and other water-using equipment located on the owner's property.

(H) The Town Manager is hereby authorized to enter into extended payment arrangements with a customer who has experienced extraordinary utility charges.

[Amended March 12, 1996]

Section 14-16 Prohibited Activities.

(A) No unauthorized person may:

- (1) Supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain, or other such public outlet without specific authorization from the town;
- (2) Manipulate, tamper with, or harm in any manner whatsoever any waterline, sewer line, main, or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;
- (3) Tamper with the water meter so as to alter the true reading for the amount of water consumed;
- (4) Attach or cause to be attached any connection to the waterline before the water meter.

Section 14-17 Town Property and Maintenance Thereof.

All meters and cut-off boxes located before the meters shall remain the property of the town and shall be kept in good repair and working order by the town.

Sections 14-18 through 14-20 Reserved.

CHAPTER 14 - UTILITIES

Article III - Town and Customer Responsibilities

Section 14-21 Town's Responsibility and Liability.

(A) The town shall:

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

Section 14-22 Customer's Responsibilities.

(A) The customer shall:

- (1) Maintain the piping system on his property at his expense in a safe and efficient manner. The town shall not undertake to repair the customer's connections to the water or sewer line until it has been determined that the disrepair, stoppage, or other cause or impediment to the proper functioning of such line exists within the portion of the lateral between the main line and the property line. If the property owner or his representative claims that the cause of such disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line and an investigation discloses that the cause of said disturbance actually exists in that portion of the line lying between the property line and the structure which is serviced by such line, the property owner shall pay to the town the actual cost to the town of making such investigation. If, however, upon investigation it is found that the cause of such disturbance or disrepair is in that portion of the line lying between the property line and the main line, the town shall make such repair without additional cost to the property owner;
- (2) Guarantee protection for town facilities or equipment located on the customer's property;
- (3) Pay the cost of relocating town owned facilities and equipment if done at the customer's request;
- (4) Not make or cause to be made any cross-connection with a private water supply;
- (5) Install proper and adequate backflow prevention devices;
- (6) Install a pressure reducing valve if deemed necessary by the administrator;
- (7) Install a sewer cleanout to town specifications if deemed necessary by the administrator;

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

Sections 14-23 through 14-25 Reserved.

CHAPTER 14 - UTILITIES

Article IV - Service Termination and Reinstatement

Section 14-26 Termination or Interruption of Service by Town.

(A) The town may terminate service for any of the following reasons:

- (1) Refusal by the customer to pay in full an account that remains delinquent in excess of fourteen days;
- (2) Prevention of fraud or abuse by a customer;
- (3) Failure of the customer to comply with any of the provisions of this chapter.

(B) Before service is terminated, the customer shall be notified of the proposed termination and given an opportunity to be heard on the matter as provided in this article.

(C) The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:

- (1) Emergency repairs;
- (2) Insufficient supply or treatment capacity;
- (3) Strike, riot, flood, accident, act of God, or any other unavoidable cause.

(D) The town shall make a good faith effort to notify affected customers before service is discontinued or interrupted as provided in subsection (C). However; the customer, by making application for service, agrees to hold the town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above mentioned causes.

Section 14-27 Notice of Proposed Termination of Service and Right of Hearing.

(A) On the day that an account becomes delinquent (see Section 14-13), or as soon thereafter as possible, the town shall mail to the customer a notice informing the customer of the amount owed and stating that:

- (1) The customer's account is delinquent and is subject to a penalty charge of ten percent (10%) on the unpaid balance; and
- (2) The customer is entitled to be heard before service termination by a designated employee at a specified address or telephone number during stated business hours if there is any dispute over the amount of the bill; and
- (3) Unless the bill is paid in full or otherwise resolved by a specified date, the town may terminate service without further notice.

[Amended June 10, 1997]

(B) The service termination date stated in the notice described in subsection (A) shall be the later of the following;

- (1) The tenth day after the date the notice is mailed; or
- (2) The fifteenth day after the account becomes delinquent (see Section 14-13).

(C) If the town proposes to terminate service for any reason other than nonpayment, the town shall first mail to the customer a notice informing the customer:

- (1) That the town proposes to terminate service without further notice on a specified date, which date shall be not earlier than the tenth day after the notice is mailed; and
- (2) What the reasons for the proposed termination are and what, if anything, the customer may or must do to avoid termination of service; and
- (3) That the customer is entitled to be heard by a designated employee (at any time prior to termination of service) at a specified address or telephone number during stated business hours if there is any question about the accuracy or legitimacy of the reasons stated for the proposed termination.

Section 14-28 Hearing.

(A) The hearing provided for in Section 14-26 may be held by phone or, at the request of the customer, the customer may meet in person with the employee at the office of the employee (as specified in the notice described in Section 14-27).

(B) The hearing shall be conducted informally. The customer shall be given every reasonable opportunity to bring to the attention of the designated employee information that bears upon the reasons for the proposed termination.

Section 14-29 Stay of Termination Pending Hearing Outcome.

(A) So long as the hearing provided for in Section 14-26 is requested and held before the service termination date indicated in the notice required by Section 14-27, the town shall postpone the proposed termination date until three days after the written decision is served on the customer as provided in subsection (B).

(B) As soon as reasonably possible after the hearing, the employee conducting the hearing shall inform the customer in writing of his decision and the reasons therefor. If the proposed termination relates to an unpaid account, the writing shall also inform the customer that unless the account is paid in full within three days after the notice is served, the service will be terminated. This decision may be served upon the customer personally or mailed by certified mail, return receipt requested.

(C) If the customer fails to make a timely request for the hearing provided for in Section 14-26 or, following a hearing, fails to comply with the decision of the town within the time specified in subsection (B), the town may terminate service without further notice.

Section 14-30 Lessee May Take Responsibility for Payments.

(A) Whenever (i) a water meter serves a single dwelling unit or, in the case of non-residential structures, a single tenant, and (ii) the occupant of the dwelling unit or the tenant is not the person responsible for

water or sewer payments (i.e. is not the "customer") and the town is aware of this fact, and (iii) the customer becomes delinquent in his payments, then a copy of the notice of proposed termination required by Section 14-26 shall be sent to the occupant of the dwelling unit or the tenant of the non-residential structure. Such notice shall include or be accompanied by a statement setting forth the rights of such occupant or tenant (the lessee) as provided in subsection (B).

(B) When a lessor becomes delinquent in his water or sewer payments, a lessee may take responsibility for such payments and may thereby become the "customer" in accordance with the provisions of Article I. The lessee shall not be responsible for the debts of the lessor.

Section 14-31 Procedure for Service Termination and Reinstatement.

(A) Water and sewer service termination shall be effected only by authorized agents of the town.

(B) When service is terminated, discontinued or interrupted for any reason set forth in Section 14-26, it shall be unlawful for any person other than a duly authorized agent or employee of the town to do any act that results in the resumption of service.

(C) When service is terminated for non-payment of bills, the service application deposit shall be applied to the outstanding bill.

(D) If there are deposit funds remaining after the deposit is applied to the outstanding bill, the excess shall be refunded to the customer. If a portion of the bill remains outstanding, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.

(E) Before service will be reinstated, the customer shall be required to make full payment of any charges still outstanding on his account. In addition, the customer shall also redeposit with the utility an amount equal to his application deposit or the amount of the bill outstanding at the time of termination, whichever is greater.

(F) A charge for service reinstatement shall be made in an amount established by the rate schedule referenced in Section 14-9.

Section 14-32 Termination at Customer's Request.

(A) The customer shall request that service be discontinued (for a change in occupancy or other reason) at least seven days before the customer desires the termination to become effective.

(B) The customer shall be responsible for all water consumed and for pro-rated service up to the time service is terminated, or until seven days following receipt of the request for termination, whichever occurs sooner.

(C) When all charges for service are paid in full the customer's deposit shall be refunded. The deposit will be refunded pursuant to Section 14-8.

(D) The customer shall be entitled to be heard by a designated employee concerning any dispute about the amount of the deposit refund. The employee shall inform the customer in writing of his decision and the reasons therefor as soon as reasonably possible.

Sections 14-33 through 14-35 Reserved.

CHAPTER 14 - UTILITIES

Subchapter III - Connections to the Water and Sewer System

Article V - Connection to the Water and Sewer System Where Service is Available

Section 14-36 Connection Required.

(A) Every person who owns improved property within the corporate limits of the town shall be required, within sixty days of receipt of notice from the town, to connect such improved property to the public water and sewer systems unless service is not available [as defined in subsection (B)].

(B) For purposes of this chapter; water or sewer service (respectively) is "***not available***" if:

(1) the property on which a building or structure is located is more than 200 feet from an existing water or sewer line that reasonably could serve such property; or [*Amended July 13, 1993*][*Amended March 11, 1995*]

(2) to connect to the system within the distances specified in subdivision (B)(1) it would be necessary for the person seeking the connection to purchase an easement in which to install water or sewer lines; or

(3) the Town is required by law (including state or federal statute or regulation or judicial or administrative order) to refuse service, or chooses to refuse service under Section 14-39.

(C) Whenever sewer service becomes available under this section to property that previously has been served by a sewage treatment system other than the Town's treatment system, the owner of such property shall, within 60 days of receipt of the notice specified in Subsection (A), remove from such property any and all above ground structures, equipment, or other appurtenances that were part of or used in connection with such other sewage treatment system.

(D) As used in this section, the term "***improved property***" means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.

Section 14-37 Permit for Connection Required.

No person may connect or be connected to the water or sewer system of the town until a permit for such a connection has been issued pursuant to Section 14-38. After connection in accordance with this article, service may be initiated in accordance with the procedures set forth in Article II of this chapter.

Section 14-38 Application for Connection Permit.

(A) Application for connection to the water or sewer system shall be made on the forms furnished by the town and shall be signed by the applicant or his authorized agent. The application shall contain or be accompanied by any information reasonably deemed necessary by the administrator.

(B) Every application for connection to the town's water system shall be accompanied by the tap-on and service connection fees prescribed in the rate schedule referenced in Section 14-9. Every application for connection to the town's sewer system shall be accompanied by the tap-on and sewer availability fees prescribed in the rate schedule referenced in Section 14-9.

(C) No permit shall be issued for water and sewer connections until after the administrator has made any on-the-premises inspection of the real property identified on the application, if the administrator deems such inspection necessary, and until the fees prescribed herein have been paid.

Section 14-39 Rejection of Permit Application.

(A) Upon application for a connection permit the town may reject the application and decline to provide service for the following reasons:

- (1) Service is not available under the standard rate.
- (2) The cost of service is excessive.
- (3) The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities.
- (4) Other good and sufficient reasons.

Section 14-40 Construction of Connections.

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

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

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

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

- (1) The town shall provide a cut-off valve directly before the meter.
- (2) The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times to the meter reader.

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

Section 14-41 Separate Connections Required for Each Lot.

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

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

- (1) A separate connection with the water main of the town and a separate service pipe, tap and meter;
- (2) A separate connection with the sewer main of the town.

Section 14-42 Requirements for Connection of Service Where Multiple Buildings are Located on One Lot.

(A) Where there are multiple buildings or structures situated on one lot and where the lot owner desires to have a common water connection (including a private water distribution system), and a common sewer connection (including a private sewage collection system), he must meet the following requirements:

- (1) The building or buildings to be served shall be in compliance with all applicable zoning regulations.
- (2) The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot.
- (3) The applicant shall be required to submit to the town a site plan showing the proposed water and sewer systems. Such plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. Such plans shall include:
 - (i) Size of water lines, materials to be used for construction, valve locations and hydrant locations. All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.
 - (ii) Size of sewers and materials to be used for construction. All sewer lines eight (8) inches or larger in size shall be constructed in accordance with town specifications and standards. All sewer lines smaller than eight (8) inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.
- (4) Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

Section 14-43 Town Inspection.

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

Section 14-44 Laterals to Remain Town Property.

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

Section 14-45 Maintenance of Private Distribution and Collection Systems.

In addition to the requirements of Section 14-42, all owners of lots on which private water distribution and sewer collection systems are situated shall maintain such systems properly. Failure to maintain the systems shall constitute a nuisance which may be abated using the procedures set forth in Sections 11-38 through 11-41 of this code. However; notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of water or sewer service poses an immediate threat to public health, the town may summarily abate the nuisance and bill the lot owner for costs incurred by the town.

Sections 14-46 through 14-51 Reserved.

CHAPTER 14 - UTILITIES

Article VI - Water and Sewer Extensions

Section 14-52 Purpose.

The purpose of this water and sewer extension policy is to establish procedures and guidelines pertaining to the extension of water distribution lines and sewer collection lines into areas of the Town that do not have such service(s), into areas that may become part of the Town through annexation, and into areas outside of the corporate limits of the Town.

[Amended August 13, 1996]

Section 14-53 Goals and Objectives.

(A) The goals and objectives of the water and sewer extension policy are as follows:

- (1) To develop a comprehensive set of policies for the Town that will assist in establishing priorities for the extension of water and sewer lines and for responding to requests for water and sewer services;
- (2) To develop policies that will clarify the financial responsibility for water and sewer extensions;
- (3) To provide for the orderly growth and maintenance of the water and sewer systems;
- (4) To assure that the water and sewer extensions meet the design and specification standards for the Town of Blowing Rock;
- (5) To exercise control over the extension of water and sewer services to assure that there will be adequate water and sewer capacity and that the water and sewer fund will be financially stable;
- (6) Based on the premise that the water and sewer systems should be self-supporting and should be financed primarily through user fees, extensions and additions to the system should be well-planned and cost-effective so that the impact on all water and sewer customers can be minimized.

[Amended August 13, 1996]

Section 14-54 Capital Improvement Plan.

(A) It is the objective of the Town of Blowing Rock to extend water and sewer services to those areas within the corporate limits of the Town that do not have such services, provided that those extensions can be made in a cost effective and efficient manner. Consistent with this objective, the Town Manager shall prepare and the Town Council shall adopt a capital improvement plan covering a minimum of five years, in which water and sewer extensions shall be programmed to meet the current and anticipated needs of the community.

(B) In scheduling the water and sewer extensions, the Manager and Council shall consider the following, as well as other related factors:

(1) The financial resources available to the Water and Sewer Fund for the financing of such improvements;

(2) The urgency or need for a particular area to receive the water and sewer services. (For example, an area where private septic systems have failed or are contaminating ground water would have a high priority on the basis of need or urgency.)

(3) The estimated number of customers that would be available to connect to the new water or sewer line, and the estimated revenue to be generated from those potential customers. As a guideline, the Town shall not be obligated to extend water or sewer services into areas that have a density of less than 60 housing units per mile of water line or a density of less than 60 housing units per mile of sewer line.

(4) The ratio of the estimated costs for the extension of the line compared to the estimated benefit or revenue to be derived from the extension of the line (cost/benefit ratio).

(C) The purpose of this section is to establish the criteria that will be used to determine which water and sewer extensions shall be scheduled for funding and construction; as well as to emphasize that there is a distinction between water and sewer projects that are scheduled on the capital improvements plan and those that are not.

[Amended August 13, 1996]

Section 14-55 Scheduled Extensions.

(A) When water or sewer lines are extended by a project that has been included in the capital improvement plan, the water and sewer lines will be extended to designated points on the exterior lines of ***private properties***. Generally, the cost of extending those lines ***across private property***, or ***within new subdivisions***, or ***within other new developments*** shall be borne by the private property owner, subdivider, or developer. Otherwise, a water or sewer extension that is scheduled within the capital improvement plan shall be constructed without assessment to the benefiting property owners, other than the applicable connection or impact fees and the property owners' costs for the installation of lines on private property.

(B) The cost of extending water or sewer lines within new subdivisions or other new developments shall be borne by the subdivider or developer, except that if the Town requires water or sewer lines within a subdivision or other new development that are larger than those necessary to serve the project and are so located as to serve other properties, the Town will reimburse the developer for any additional costs incurred as a result of installing such oversized lines.

(C) The Town's share of the cost may be either in-kind or cash after the project has been completed and accepted. In-kind services may include any of the following as examples: street paving, service installations, reduction in tap and impact fee requirements, storm drainage work, etc. *[Amended August 13, 1996]*

Section 14-56 Requests for Special Extensions.

(A) A ***special extension*** would be an extension of water and sewer lines that: (1) has not been included in the capital improvement plan; or, (2) is made at an earlier time than is programmed within the capital improvements plan. Applicants for special extensions are expected to furnish all information relevant to

the project at the time the application is made. The request will be denied unless the applicant can demonstrate to the satisfaction of the Town that:

- (1) The extension is compatible with the Town's planned system in size, location, and other engineering features; and,
- (2) The applicant can pay its share of the costs of the extension project; and,
- (3) For unscheduled extensions, that the extension will not result in a disproportionate impact on the Town's treatment capacity; and,
- (4) For unscheduled extensions, that the extension will be cost effective to the Town in that any initial cost to the Town will be offset by projected revenues within a reasonable period of time; and,
- (5) Proposed users of the extension will abide by all relevant laws, rules, and regulations of the Town, State, and Federal governments and their regulatory agencies.

(B) In making its decision, the Council may also consider such matters as the availability of current funds; the availability of manpower and other Town resources; the delay, if any, that may result in scheduled extensions in other areas; current market conditions affecting the price of labor and materials; any impact on the public health needs; and any other factor reasonably related to the health, safety, and welfare of the citizens of the Town.

(C) By submitting a request for a special extension, an applicant is deemed to have accepted the conditions set forth in this article. The applicant may amend or withdraw its application prior to any vote of the Council.

(D) In acting upon a request, the Council will vote in open session. The application may be denied, it may be approved subject to the conditions of this section, or it may be approved subject to such additional conditions as are reasonably calculated to bring the extension within the guidelines of this policy. The Town reserves the right to change such conditions or to revoke its approval if the conditions are not accepted, in writing, within 30 days of the approval; or if there is a change in material circumstances before or after such acceptance.

(E) An application that is withdrawn or denied will not be reconsidered within one year from the date of withdrawal or denial if it is submitted in substantially the same form by substantially the same applicant, or its successors or assigns, without the prior consent of a majority of the Town Council.

(F) When the Town receives a request to make a special extension, the Town Manager will furnish the Town Council with a report setting forth the request, relevant information, and a recommendation for action.

[Amended August 13, 1996]

Section 14-57 Cost to Construct Extensions Prior to Scheduled Year.

(A) Where the extension of water and sewer lines is included in the capital improvement plan, an applicant may request that the extension be made at an earlier time than originally scheduled. However, the Town is not obligated, and may refuse, to approve such a request. In those situations where the Town does approve the request, the Town's participation will be on the following additional conditions:

(1) Where the Town agrees to reschedule an extension within the same fiscal year as the Town's existing plans, the rescheduling will be made at no additional expense to the applicant or benefiting property owners.

(2) Where the Town agrees to reschedule an extension between fiscal years, the Town's portion of the extension costs will be adjusted according to the following schedule:

- (a) Move up one fiscal year: Town's portion will be 90% of the extension costs
- (b) Move up two fiscal years: 80% of the extension costs
- (c) Move up three fiscal years: 70% of the extension costs
- (d) Move up four fiscal years: 60% of the extension costs
- (e) Move up five fiscal years: 50% of the extension costs

[Amended August 13, 1996]

Section 14-58 Cost of Unscheduled Extensions.

(A) Where a request is approved to extend water and/or sewer services to areas within the Town not scheduled for extension under the current capital improvement plan, or to extend water and sewer services outside the Town, and where there are no engineering, financial, or health reasons not to allow such an extension, the Town may offer the requesting party the right to make such an extension only at the requesting party's sole expense, subject to inspection and acceptance by the Town.

(B) Unscheduled water and sewer extensions may be approved upon receipt of a petition requesting such improvements. Such a petition shall be signed by a majority of the owners of the property that would derive service from such an extension, and at the same time, those owners shall control at least 50 percent of the property frontage abutting the proposed improvements. The Town will assess the full cost of the water and/or sewer improvements against the abutting property owners. Town property shall be assessed in the same manner as other property.

[Amended August 13, 1996]

Section 14-58.01 Provisions Applicable to All Extensions.

(A) The following provisions shall be applicable to all extensions of water and sewer lines:

(1) ***Project costs***, at the discretion of the Town, may include any or all of the following: material costs; direct labor costs; engineering, surveying, legal, inspection, and permit fees; and the cost of easements, licenses, permits, and insurance. The cost to the Town for the use of its personnel, equipment, and facilities will be calculated in accordance with the Town's cost-accounting system and will be considered part of the project costs.

(2) Any extension will be viewed by the Town as part of an overall system designed to meet the needs of the existing and future population of the Town. Accordingly, the Town reserves the right to require that any extensions be of sufficient size to provide adequate water and sewer flows for the area to be served even though the individual applicant may not require a larger size.

(3) All additions to the Town's water or sewer system, whether inside or outside the Town, shall be installed in accordance with the provisions of this Article as well as other Town specifications and requirements. Among other matters, such specifications shall govern the size of all lines, their location, grade, materials used, manner of installation, and provision for future extensions. No construction on any addition to the Town's water or sewer system shall commence until detailed plans have been reviewed and approved by the Town. Such plans shall include whatever information is required by the Town to determine whether the proposed extension complies with all applicable Town specifications and requirements.

To protect street surfaces, the Town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap onto such water or sewer lines.

(4) The Town may enter into agreements to design, construct, and inspect developer/owner-installed water or sewer extensions when the developer/owner agrees to pay all costs and submits payment in advance.

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

(a) Halt work until approved supervision is obtained and the work is done in accordance with Town specifications and requirements.

(b) Provide the necessary inspection by Town personnel at the expense of the developer.

The person requesting the extension is solely responsible for ensuring that the project is completed according to Town specifications (if the work is not done by Town forces) and may be required to rearrange or make other modifications to the work to bring it into conformity with such specifications and requirements.

(6) The Town shall have the exclusive right to make or permit additional extensions and connections to any line that has been installed. Any commitment or agreement for the extension of any water or sewer line by the person who originally constructed the line, or by his agent, with any third person, shall in no way be binding upon the Town unless it is a formal party to such an agreement.

(7) Any extension made under this article shall be to a designated point on the exterior property line of the applicant's property. Any water or sewer lines within the boundaries of the applicant's property will be constructed at the sole expense of the applicant; provided, however, that such interior lines and construction shall also comply with all applicable Town, State, and Federal laws and regulations.

(8) The Town will not be responsible for any acts or omissions of the applicants and/or contractor who makes the installation. By making application for extension to the Town's water or sewer system, the person responsible for the extension agrees to indemnify and hold the Town harmless from all loss, cost, damage, liability, or expense resulting from injury to any person or property arising out of the extension of such service lines.

(9) The applicant shall be responsible for obtaining all easements necessary for initial construction, future maintenance, and future connections and extensions.

(10) Upon completion of the construction and inspection and approval by the Town, the extension shall be accepted into the Town's water and sewer system and all easements and licenses shall become the property of the Town.

(11) All project costs will be advanced by the applicant. In projects where the Town participates in payment, the Town will not make any payment until the project is completed by the applicant and accepted by the Town, and the Town receives satisfactory evidence that all project costs have been paid and that clear title to the extension can be transferred to the Town.

(12) Acceptance by the Town will not relieve the applicant or contractor from responsibility or liability for any non-compliance with the provisions of this chapter.

(13) When the property to be served by the water or sewer extension is located outside, but adjacent to the Town limits, the owner(s) shall submit a sufficient petition for annexation of the area to be served.

When the property is located outside, but not adjacent to the Town limits, the owner(s) shall, as a condition of access and continued service, submit and maintain in force a sufficient petition for annexation of the area at a future date.

[Amended August 13, 1996]

Section 14-58.02 Easements Necessary for Line Extensions

(A) Within the Town, water mains will be extended by the Town only within the rights-of-way of public streets, except that the Town may extend its lines within private streets when furnished with the necessary water line easement. Water lines extended outside the Town will be allowed to connect to the Town's system only if installed within the right-of-way of a public street or within a private street with respect to which the Town has been granted a water line easement.

(B) Sewer lines will be installed within public street rights-of-way whenever practicable, but the Town may accept sewer lines constructed within private streets or (where the topography makes this necessary) other private property when adequate easements are provided and accepted by the Town.

(C) In spite of the above provisions, the Town may accept an offer of dedication of lines installed within unsubdivided developments if necessary and acceptable easements are provided.

(D) Whenever easements are required under this section, the responsibility for obtaining and furnishing the Town with such easements (including all costs associated with easement acquisition) shall lie with the applicant seeking the line extension.

[Amended August 13, 1996]

Section 14-58.03 Dedication of Water and Sewer Line Extensions.

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

(B) Following dedication, as provided in the preceding paragraph, the Town shall have exclusive control over all water or sewer lines and shall be responsible for their maintenance, repair, and operation. However, the conveyer of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.

[Amended August 13, 1996]

Section 14-58.04 Applicability of Article.

(A) The provisions of this article shall apply to all applications submitted on or after the date of its adoption. This article supersedes all other provisions of the Town Code, or ordinances or resolutions of the Town Council, setting forth requirements for water or sewer line extensions; provided, however, that nothing contained herein shall invalidate any existing contract the Town may have entered into prior to the effective date of this Article for the extension of water or sewer service, nor shall this Article entitle any person to a reduction in any contract terms or a refund of any contract amounts.

(B) Further, the Town reserves the right to amend its general plan of extensions and capital improvements plan during its budget deliberations or at other times not prohibited by law. Extensions may be added, deleted, or rescheduled to be consistent with evolving patterns of development, health needs, fund availability, and other changing circumstances.

[Amended August 13, 1996]

CHAPTER 14 - UTILITIES

Article VI(A) - Testing of Lateral Lines; Materials for New Sewer Laterals

Section 14-59 Testing of New Lines.

All new lateral lines to be connected to the Town Sewage System pursuant to Article V and Article VI of the Chapter shall be pressure tested at 5 pounds p.s.i. for 5 minutes. In the event the pressure falls below 4 pounds p.s.i. during the testing time period, said lateral lines shall not be connected to the Town Sewage System but shall be repaired and again pressure tested until said lines satisfy the requirements set forth herein.

Section 14-60 Inspection and Testing of Existing Lateral Lines.

The Town shall have the right to inspect and test all private lateral lines which are currently connected to the Town Sewage Collection System. Said existing private lateral lines shall be smoke tested by inserting a smoke bomb and pressurizing with a blower. In the event there is visible smoke to the ground surface above the line, the Town shall have the right to require that the line be repaired or replaced. The Town shall notify all customers and/or property owners who are being served by a lateral line requiring repair or replacement in accordance with the standards set forth herein that said line must be repaired within 30 days from the date of notification. In the event said lateral line is not repaired or replaced within 30 days from notification, or in the event arrangements have not been made which are satisfactory to the Town that said line will be repaired or replaced within a reasonable period of time, the Town shall be entitled to terminate water service for those customers served by said lateral line pursuant to Article IV of this Chapter.

[Amended June 14, 1994]

Section 14-61 Specifications and Material for New Laterals.

(A) All new sewer lateral lines shall be below grade and shall have not less than 3'-0" cover. Where 3'-0" cover is not possible, the pipe shall be of ferrous material in accordance with N.C. Department of Environment, Health, and Natural Resources regulations or schedule 40 PVC.

(B) Where a sewer lateral cannot be placed below grade and maintain a minimum of minus 1% slope to the sewer main, the sewer service shall be made with a pump and force main system.

[Amended March 14, 1995]

CHAPTER 14 - UTILITIES

Article VII - Fire Protection Service

Section 14-65 Fire Hydrants.

(A) The developers of subdivisions and unsubdivided developments, whether inside or outside the town, may be required as a condition of connecting to the town's water system to install fire hydrants in accordance with town requirements and specifications. Among other matters, such requirements and specifications may govern the number, locations, and type of hydrants required.

(B) Connection to the town's water system of any hydrant constructed pursuant to subsection (A) shall constitute an offer of dedication to the town of such hydrant.

(C) All hydrants located within the right-of-way of a dedicated street or on other town property shall be maintained by the town without charge, except that the town may include a hydrant maintenance charge in the fire protection service fees charged to the county for any area served by the town outside its corporate limits.

(D) No person, other than an authorized representative of the town, may draw water from or otherwise tamper with any hydrant.

Section 14-66 Fire Protection Service Lines.

(A) Subject to the provisions of this article, the town may allow fire protection service connections to be made to the town's water lines.

(B) All fire protection service connections shall be made in accordance with town requirements and specifications and only after the town has reviewed and approved detailed plans for such fire protection service lines and facilities. Final connection to the town system shall not be made until the administrator has inspected and approved the installed fire protection system.

(C) Private fire protection systems, including standpipes, sprinkler systems, and private reservoir systems, shall be constructed and installed only by persons properly licensed to do the work. Taps shall be made by the town, and fees shall be charged therefore in accordance with the schedule referenced in Section 14-9.

(D) Backflow prevention conforming to town specifications shall be installed at such points in the fire protection system as necessary to assure protection of the water supply.

Section 14-67 Metering of Fire Protection Service Lines.

(A) The town may require the owner of any fire protection line to install at his expense either a detection check valve with bypass meter or a full flow fire line meter. Such a valve or meter may be required upon the initial connection of the fire line to the town's system and shall be required if the town subsequently has reason to believe that unmetered water is being lost or used for other than fire protection purposes from any such line.

(B) When a detection check meter indicates usage of water for other than fire protection, the owner shall be required at his expense to furnish and install a full flow meter of approved design. Such meter shall be arranged to meter all water supplied to the premises for all purposes, including fire protection.

Sections 14-68 through 14-75 Reserved.

CHAPTER 14 - UTILITIES

Subchapter IV - Sanitary Sewer Use

Article VIII - Sanitary Sewer Use

Section 14-76 Article Applies Primarily to Industrial Waste.

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

Section 14-77 Storm Water Prohibited.

(A) No person may discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

(B) The discharge into the Town of Blowing Rock storm sewers of any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water is hereby permitted.

Section 14-78 Prohibited Uses.

(A) Subject to the provisions of Sections 14-79 and 14-80, no person may discharge or cause to be discharged any of the following described waters or wastes to any part of the town's sanitary sewer system.

- (1) Any clothing, rags, textile remnants, etc., except scraps or fibers that will pass through one-quarter (0.25) inch mesh screen or its equivalent in screening ability.
- (2) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (3) Any water or waste containing more than 100 milligrams per liter (mg/l) of fats, oils, or grease.
- (4) Any liquids, solids or gases that may cause fire or explosion or be in any way injurious to persons, any portion of the town's sewage treatment system or the operation of this system.
- (5) Any liquid wastes in which the suspended solids exceed 600 milligrams per liter.
- (6) Any liquid wastes having a B.O.D. of more than 600 milligrams per liter.
- (7) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage treatment system.

- (8) Any waters or wastes containing any toxic or poisonous substances or any other materials (including, but not limited to, heavy metals or chemicals) in sufficient quantities to interfere with the biological processes used in the sewage treatment works or that will pass through the sewage treatment works and harm persons, livestock, or aquatic life utilizing the natural outlet.
- (9) 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.
- (10) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (11) Any garbage that has not been properly shredded.
- (12) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection system or the sewage treatment works.
- (13) Any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.
- (14) Any liquid wastes containing dyes or other colors that cannot be removed by biological processes or that require special chemical treatment.
- (15) Any waters or wastes that require excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the plant.
- (16) Any waters or wastes containing radioactive waters or wastes in quantities that may prove injurious to the treatment process or any portion of the sewage treatment system or to persons, animals, or plant life.

Section 14-79 Waiver of Discharge Restrictions.

(A) A major purpose of this article is to provide for the treatment by the town of as much of the liquid waste produced within the town's service area as possible, while still protecting the town's sewage treatment system. Therefore, the Board may waive the provisions of Section 14-78 when, in its judgment, the quantity of waste discharged by any person is so small in relation to overall flow into the town's sewage treatment system as to make the offending characteristics of the waste negligible.

(B) A waiver granted in accordance with subsection (A) shall be considered a temporary measure and shall not ripen into a vested right. Such waivers may be revoked by the Board at any time when it determines it is in the interest of the town's sewage treatment system to do so.

Section 14-80 Special Agreements.

Notwithstanding the provisions of Section 14-78, the town may enter into special agreement with any person whereby wastes of unusual strength or character may be admitted into the sanitary sewers for treatment by the town, either before or after approved pretreatment or prehandling, and subject to appropriate payments to the town to cover the extra costs associated with treatment of such wastes.

Section 14-81 Permit Required for Discharge of Industrial Wastes.

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

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

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

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

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

Section 14-82 Preliminary Treatment Facilities.

(A) To equalize flows and to avoid temporary overloads, any person who discharges into the town's sanitary sewer system waste having a volume in excess of 50,000 gallons in any twenty-four hour period may be required by the town to construct suitable storage tanks or equivalent devices according to town specifications relating to type of construction, storage capacity, and similar matters. The control of the volume of discharges of waste shall be by a waterworks type rate controller or equivalent device, the setting and operations of which shall be subject to the reasonable direction of the administrator.

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

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

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

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

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

Section 14-83 Inspection Manhole.

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

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

Section 14-84 Determination of Character and Concentration of Wastes.

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

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

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

(D) Samples taken as part of the inspections authorized by this section shall be collected in such a manner as to be representative of the actual quality of the waste. Laboratory methods used in the examination of such waste shall be those set forth in the latest edition of "Standard Methods of the Examination of Water and Sewer", published by the American Public Health Association, a copy of which is on file at the office of the administrator for inspection by interested parties.

Section 14-85 Authority for Temporary Exclusion.

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

Section 14-86 Charges for Industrial Wastes.

(A) Customers discharging industrial wastes into the town's sanitary sewer system shall be subject to surcharges that reflect the additional treatment demands of industrial wastes. Therefore, the amount of an

industrial waste customer's bill depends upon the character and concentration of the wastes discharged as well as the quantity. Charges will be in accordance with the schedule of rates referenced in Section 14-9.

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

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

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

CHAPTER 14 - UTILITIES

Subchapter V - Water Shortage

Article IX - Regulation of Consumption During Designated Water Shortage

Section 14-87 Water Shortage Deemed as Relation of Supply and Demand.

A water shortage shall be deemed to exist when water consumption by customers connected to the municipal water system of the Town of Blowing Rock shall have reached the point where continued or increased consumption will equal or exceed the system supply capacity such that citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand.

Section 14-88 Proclamation of Water Shortage.

(A) In the event it appears that water consumption of the Blowing Rock municipal water system may exceed supply capacity, then a Stage I Water Advisory, calling for voluntary water conservation, may be announced by the Town Administrator.

(B) In the event of a water shortage in the "Stage II" or "Stage II" degrees of severity hereinafter set forth, the Mayor of the Town of Blowing Rock is authorized and empowered to issue a public proclamation declaring to all persons the existence of such state and the severity thereof, and, in order to more effectively protect the health and safety of the people within the Town of Blowing Rock, to place in effect the mandatory restrictive provisions hereinafter authorized.

Section 14-89 Compliance Required in the Event of Shortage.

In the event the Mayor issues any such proclamation declaring a Stage II or III water shortage, then and in that event it shall be unlawful for any person, firm, or corporation, to use or permit the use of water from the Blowing Rock municipal water system for any purpose prohibited under those conditions until such time as this ordinance is amended or repealed, or until the proclamation of water shortage has been cancelled as hereinafter set forth. In exercising this discretionary authority, consideration shall be given to: available/usable storage on hand; storage drawdown rates; the actual and projected supply capability; outlook for precipitation; daily water use patterns; and availability of water from other sources.

Section 14-90 Restrictions Applicable to Various Degrees of Water Shortage Severity.

(A) The severity of a water shortage shall be determined by the relation of supply to demand, weather conditions, and the amount of water remaining in storage. The restrictive measures in effect at each stage are as follows:

(1) ***Stage I Shortage.*** In the event the water level in the Blowing Rock reservoir falls five (5) feet below full pond (full pond being when water flows over the spillway) and if the National Weather Service forecast predicts less than 50% chance of precipitation within the next two days, the Stage I Water Shortage Advisory may be announced by the Town Administrator and the following voluntary water restrictions will be publicized and imposed:

(a) The following residential conservation measures will be encouraged and recommended:

- (1.) Limit lawn watering to that which is necessary for plants to survive.
- (2.) Limit vehicle washing to minimum.
- (3.) Do not wash down outside areas such as sidewalks, patios, etc.

(b) The following conservation measures will be encouraged and recommended for commercial users, public buildings, institutions, etc.:

- (1.) Limit lawn watering to that which is necessary for plants to survive.
- (2.) Limit vehicle washing to minimum.
- (3.) Do not wash down outside areas such as parking lots, service bays or aprons, sidewalks, etc.

(2) ***Stage II Shortage.*** In the event a Stage I Water Shortage Advisory is in effect and the water level in the Blowing Rock reservoir falls ten (10) feet below full pond, then a Stage II Water Shortage may be proclaimed by the Mayor and in addition to the voluntary restrictions heretofore requested, the following moderate mandatory water restrictions shall be in effect. It shall be unlawful to use water supplied by the Blowing Rock municipal water system for the following purposes:

- (a) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand.
- (b) To fill newly constructed swimming pools and/or wading pools or refill swimming and/or pools which have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time a Stage I shortage is placed into effect.
- (c) To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment including commercial washing.
- (d) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios or to use water for other similar purposes.
- (e) To operate or introduce municipal system water into any ornamental fountain, pool, pond, or other structure making similar use of water.
- (f) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (g) To use municipal system water for dust control or compaction.
- (h) To use water for any unnecessary purpose or to intentionally waste water.

The owner or occupant of any land or building which receives water from the Town of Blowing Rock and that also utilizes water from a well or supply other than that of the Town shall post and maintain in a prominent place thereon a sign obtained from the Public Works Department giving public notice of the use of the well or other source of supply.

(3) **Stage III Shortage.** In the event a Stage II Water Shortage is in effect and the water level in the Blowing Rock reservoir falls fifteen (15) feet below full pond level, then a Stage III Water Shortage may be proclaimed by the Mayor and in addition to the restrictions heretofore imposed, the following stringent mandatory water restrictions shall be in effect. It shall be unlawful:

- (a) To use water outside a structure for any use other than an emergency involving fire.
- (b) To introduce water into any swimming pool.
- (c) To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
- (d) To make any non-essential use of water for commercial or public use, and the use of single service plates is encouraged and recommended in restaurants.
- (e) To operate an evaporative air conditioning unit which recycles water; except during the operating hours of business.

(4) **Stage IV Shortage.** In the event a Stage III Water Shortage is in effect and the water level in the Blowing Rock reservoir falls twenty (20) feet below full pond, then a Stage IV Water Shortage may be proclaimed by the Mayor and in addition to the restrictions heretofore imposed, the following actions shall be taken:

- (a) Above ground water lines shall be installed so as to utilize either Chetola Lake and/or Bass Lake as an alternate source of water.

Section 14-91 Lifting of Restrictions Imposed During Water Shortage.

(A) A Stage I Water Shortage Advisory will expire when the Town Administrator determines that the condition which caused the alert has abated.

(B) Stages II and III degrees of water shortage will be cancelled when the Mayor determines that the condition which caused or contributed to the water shortage has abated.

(C) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Section 14-92 Discontinuance of Service and Penalties.

(A) **Discontinuance of Service.** Pursuant to the provision of General Statute Section 162-88 and the Town Water Ordinance, service may be temporarily discontinued for willful disregard of this ordinance and a one hundred (\$100.00) dollar reconnect fee may be imposed before restoration of service. In the event of continued gross noncompliance of this ordinance the removal of the meter will be deemed proper and service will be discontinued and all tap fees and deposits forfeited. Reconnection will only be made by payment of current due amounts, and new tap fees and deposits shall be paid. *[Amended 7/13/93]*

(B) ***Penalties.*** Any violation of the provisions of the ordinance shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed one hundred (\$100.00) dollars or imprisonment exceeding thirty (30) days as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute 153 A-123.

Section 14-93 Injunctive Remedies.

The provisions of this ordinance may also be enforced by injunction or order of abatement issued by the General Court of Justice.

Section 14-94 Severability.

If any section, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 14-95 Reserved.

APPENDIX I TO CHAPTER 14 – USER CHARGE ORDINANCE

Article I

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Town of Blowing Rock to collect charges from users who contribute wastewater to the Town's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

Article II

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

Section 1. "BOD" (denoting *Biochemical Oxygen Demand*) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

Section 2. "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 300 mg/l (and any other pollutant, specify, concentration of not more than 300 mg/l).

Section 3. "Operations and Maintenance" shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and which works were designed and constructed. The term "operations and maintenance" includes replacement as defined in Section 4.

Section 4. "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Section 5. "Residential User" shall mean any contributor to the city's treatment works whose lot, parcel, or real estate, or building is used for domestic dwelling purposes only.

Section 6. "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

Section 7. "Industrial User" shall include any non-governmental user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division: Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas, and Sanitary; and Division I-Services.

Section 8: "Institutional User" shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

Section 9. "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State, and local governments.

Section 10. "Shall" is mandatory; **"May"** is permissive.

Section 11. "SS" (denoting *Suspended Solids*) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Section 12: "Treatment Works" shall mean any device and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions, and alteration thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Section 13. "Useful Life" shall mean the estimated period during which a treatment works will be operated.

Section 14. "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

Section 15. "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the Town of Blowing Rock.

Article III

Section 1. The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance, and Replacement Fund.

Section 2. Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operations, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

Article IV

Section 1. Each user shall pay for the services provided by the Town of Blowing Rock based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Town of Blowing Rock.

Section 2. For residential, industrial, institutional, and commercial users, every two months users charges will be based on actual water usage. If a residential, commercial, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the waste water collection system, the user charge for the waste water meter(s) or separate water meter(s) installed and maintained at the user's expense.

Section 3. (Reference is made to Appendix I-A of this ordinance). The user charge rate for normal domestic sewage shall be computed by using the following formula: Total annual O M & R cost/total annual volume.

Each user shall pay a user charge rate for operation and maintenance including replacement of \$2.25 per 1000 gallons of water for all over 5,000 gallons each two months billing period, plus a minimum charge of \$20.00 for the first 5,000 gallons of usage in the same period. (Editor's note: These fees have been superseded by subsequent rate increases approved by the Town Board of Commissioners.)

Section 4. (Reference is made to Appendix III-A of this ordinance).

(A) For those users whose waste water has greater strength than normal domestic sewage, a surcharge in addition to the normal user charge, will be collected. The surcharge for operation and maintenance including replacement will be computed using the following formula:

(1) Step 1: First determine the user charge for treating normal domestic sewage using the following formula*:

$$\frac{cd}{vt} = \frac{cv + (bt)(bp) + (st)(sp)}{vt}$$

(2) Step 2: Then calculate the surcharge rate using the following formula*:

$$\frac{\text{BOD}}{Bb} = \frac{bt}{ba} \qquad \frac{\text{SS}}{Sb} = \frac{St}{Sa}$$

Step 3: The surcharge is then added to the normal domestic sewage rate to determine the total bill.

NOTE: Surcharges would only be imposed for the parameters discharged that exceed the baseline waste strength set forth in this ordinance and would be in addition to the monthly user charge.

* *Formula definitions:*

- Ba = Total annual pounds of BOD
- Bb = Annual O M & R surcharge for excess BOD
- Bp = Percentage of Normal Domestic BOD to Actual (Table 6)
- Bt = Total annual O,M,& R unit processing costs for BOD
- Cd = Annual user charge rate for normal domestic sanitary sewage
- Cv = Total annual O,M,& R unit processing costs for volume

Sp = Percentage of Normal Domestic SS contributed annually by all users
St = Total annual O,M, & R unit processing costs for SS
Vt = Total annual volume

Section 5. Any user which discharges any toxic pollutants (as defined in the Sewer Use Ordinance) which cause an increase in the cost of managing the effluent of the sludge from the Town of Blowing Rock's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the appropriate financial personnel and approved by the Town of Blowing Rock.

Section 6. All users of the Town of Blowing Rock treatment works shall be subject to provisions and regulations contained in Chapter 14, the Sewer Use Ordinance, and its appendices with no distinction between in-town and out-of-town users.

Article V

All users contributing any wastewater whose waste strength is greater than 300 mg BOD/l or 300 mg SS/l shall prepare and file with the Town a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charge for that user. The Town shall have the right to gain access to the waste stream and take its own samples. Should the Town do so and should the results be substantially different as determined by analysis of the data submitted by the user, the user charge for that shall be revised for the next billing cycle/period.

Article VI

Section 1. Any user who feels his user charge is unjust and inequitable may make written application to the Town of Blowing Rock requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his waste in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Section 2. Review of the request shall be made by the Town of Blowing Rock and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

Article VII

Section 1. The town will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2. The Town will notify each user at least annually of the rate being charged for operation, maintenance including replacement of the treatment works.

APPENDIX II TO CHAPTER 14 – USER CHARGE ORDINANCE

User Charge System

The provisions of Public Law 92-500 require that the Town of Blowing Rock as a recipient of a Federal Grant for the construction of a waste water collection system, adopt a sewer user charge system (UC). The user charge is a system whereby the Town will be able to fairly distribute, to all users, the operation, maintenance, replacement, and debt service costs for its sewage collection and treatment system. The charges that will be assessed each user reflect, as far as is possible, the actual cost incurred to serve that user. Those costs fall into three categories: (1) readiness to serve costs (fixed cost); (2) cost for treating wastes of a quantity and quality falling into a range normally expected from a domestic user (variable cost); and (3) cost for treating a waste of greater strength normally expected from a domestic user. This report addresses each of the cost categories.

A tabulation of the fixed cost and variable cost is shown in Table II. The fixed cost (c_f) are logically equated with "readiness to serve cost". These costs are based on operations, maintenance, and repair (OM&R) expenditures which would not exhibit significant variations if the sewer system were designed for a larger or smaller sewage flow. The expenses for these items are pro-rated equally to all users.

The variable costs (c_v) are defined as the costs of system operations and maintenance which are not fixed costs. These costs will tend to vary depending on the quantity of flows received into the system.

The expenses for these items are passed to the user in proportion to the volume of sewage discharge. Significant variable cost factors include additional manpower, electrical power expenses, and replacement costs.

The cost of operation of the collection and treatment facilities may fluctuate due to market prices and increased demands. Consequently the expenditures shown in this report are the best estimates available at this time. The number of users shown reflects all existing system users.

The user charge system is to be reviewed on an annual basis by the Town of Blowing Rock. Such reviews shall include at a minimum revisions necessary to those costs shown in Appendix I-A and II-A of Appendix I CH-14 (increases and/or decreases) and subsequent recalculations of and necessary revisions to other Appendices and the rate schedules resulting therefrom. All users will be notified annually if an adjustment in charges is made or not made.

The code of Federal Regulations (40 CFR, Part 35, Subpart E, Appendix B) discusses the requirements for a User Charge System. Models are given of which one or more, or variations of one or more, may be utilized for the development of a User Charge System. The model, or formula, to be utilized must include considerations for the amount of flow and pollution concentrations discharged by all users of the system. For the Town of Blowing Rock, the treatment works is primarily flow dependent. Consequently, a flow dependent calculation is the most appropriate to utilize for the development of a user charge for fixed and variable costs.

Federal Regulations allow for additional charges to be assessed a discharge for each measurable unit of each pollution constituent that is discharged beyond the concentration allowed in the Town's Sewer Use Ordinance. The additional charges are known as surcharges. The calculation of surcharge rates is included in Appendix IV-A of Appendix I to CH-14 to provide the Town with an established mechanism for the billing as such. The costs utilized in the calculations are the variable costs of the treatment works shown

in Appendix II-A of Appendix I to CH-14. Therefore, revisions will also be required to these calculations whenever revisions are made to the variable costs.

APPENDIX III - FATS, OILS AND GREASES CONTROL

Section 1. Scope and Purpose.

To aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of fats, oils and greases into said sewer system from industrial or commercial establishments, particularly food preparation and serving facilities. There is a daily discharge limit of 100 milligrams per liter or up to 325 milligrams per liter by special permit.

Section 2. Definitions.

1. **Fats, Oils and Greases:** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
2. **Grease Trap or Interceptor:** A device for separating and retaining waterborne Greases and Grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Interceptors".
3. **Cooking Establishments:** Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
4. **Non-Cooking Establishments:** Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
5. **Minimum Design Capability:** The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to the public sanitary sewer.
6. **User:** Any person, including those located outside the jurisdictional limits of the Town, who contributes, causes or permits the contribution or discharge of wastewater into the POTW (publicly owned treatment works), including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

Section 3. Grease Interceptor Maintenance, Record Keeping, and Grease Removal.

1. Grease Interceptors shall be installed by Users as required by the Public Works Director or his designee. Grease Interceptors shall be installed at the User's expense, when such User operates a Cooking Establishment. Grease Interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the Public Works Director for the proper handling of liquid wastes containing Grease. No User shall allow wastewater discharge concentration from subject Grease Interceptor to exceed 100 milligrams per liter. However, the User, via a special use permit, may be granted an increase in discharge amounts not to exceed 325 milligrams per liter, as identified by method EPA Method 1664 or 275 milligrams per liter, as identified by EPA method 413. All Grease Interceptors shall be of a type, design, and capacity approved by the Public Works Director or his designee and shall be readily and easily accessible for User cleaning and Town inspection. All such Grease Interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume of the Grease Interceptor, but not less often than every thirty (30) days. Users who are required to pass water through a Grease Interceptor shall:
 - a. provide for a minimum hydraulic retention time of twenty-four (24) minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the Grease Interceptor being allowed for sludge to settle and accumulate, identified hereafter as a "sludge pocket".
 - b. remove any accumulated Grease cap and sludge pocket as required, but at intervals of not longer than thirty (30) days at the Users expense. Grease Interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the Grease Interceptor.
 - c. accept the following conditions: If any skimmed or pumped wastes or other materials removed from Grease Interceptor are treated in any fashion onsite and reintroduced back into the Grease Interceptor as an activity of and after said onsite treatment, the User shall be responsible for the attainment of established Grease numerical limit consistent with and contained in (C)(1) on all discharges of wastewater from said Grease Interceptor into the Town of Blowing Rock sanitary sewer collection system.
 - d. operate the Grease Interceptor in a manner so as to maintain said device such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from said Grease Interceptor shall be subject to terms of numerical limit attainment described in (C)(1). If an establishment desires, because of documented space constraints, an alternate to an out-of-building Grease Interceptor, the request for an alternative location shall contain the following information:
 1. Location of Town sewer main and easement in relation to available exterior pace outside building
 2. Existing plumbing at or in a site that uses common plumbing for all services at that site.
 - e. understand and agree that: The use of biological additives as a Grease degradation agent is conditionally permissible, upon prior written approval by the Public Works Director. Any establishment using this method of Grease abatement shall maintain the trap or

interceptor in such a manner that attainment of the Grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.

- f. understand and agree that: The use of automatic Grease removal systems is conditionally permissible, upon prior written approval by the Public Works Director, the Building Codes Administrator, and the Watauga County Department of Health. Any establishment using this equipment shall operate the system in such a manner that attainment of the Grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.
 - g. understand and agree that: The Public Works Director reserves the right to make determinations of Grease Interceptor adequacy and need, based on review of all relevant information regarding Grease Interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of such traps.
2. The User shall maintain a written record of trap maintenance for three (3) years. All such records will be available for inspection by the Town at all times.
 3. No non-grease laden sources are allowed to be connected to sewer lines intended for Grease Interceptor service.
 4. Except as provided herein, for a period of one year following adoption of this Ordinance, although installation of Grease Interceptors will be required to be installed, no enforcement actions will be taken under this Ordinance for failure to achieve limits on Grease discharges from Grease Interceptors. If, during this one year period an obstruction of a Town sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that said overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of Grease in the Town's sewer main(s), the Town of Blowing Rock will take appropriate enforcement actions, as stipulated in the Town Code, Chapter 14 – Public Utilities, against the generator or contributor of such Grease.
 5. Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, Grease removal, and wastewater sampling activities.

[Adopted March 9, 2004]

APPENDIX IV – CROSS CONNECTION AND BACKFLOW PREVENTION

Section 1. Cross-Connection Control, Generally.

The purpose of this Cross-Connection Control Ordinance is to define the authority of the Town of Blowing Rock (“the Town”) as the water purveyor in the elimination of all cross-connections within its public potable water supply.

This Ordinance shall apply to all consumers connected to the Town's public potable water supply.

This Ordinance will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 18C), and the North Carolina State Building Code (Volume II) as they pertain to cross-connections with the public water supply.

In accordance with General Statute 162A-9.1, the Town is authorized and empowered to adopt this ordinance.

Section 2. Objectives.

The specific objectives of the Cross-Connection Control Ordinance are as follows:

- (A) To protect the public potable water supply of the Town from the possibility of contamination or pollution by isolating within the consumer's water system such contaminants, waterborne health hazards and other significant pollutants which could backflow into the public water systems.
- (B) To eliminate or control existing cross-connections, actual or potential, between the consumer's potable water system(s) and nonpotable water system(s), plumbing fixtures and industrial piping systems.
- (C) To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections which may be installed in the future.

Section 3. Designation of Responsibility.

(A) Health Agency's Responsibility

The North Carolina Department of Environment and Natural Resources (Division of Environmental Health) has the responsibility for promulgating and enforcing laws, rules, regulations and policies applicable to all water purveyors in the State of North Carolina in carrying out an effective Cross-Connection Control Program.

The Division of Environmental Health also has the primary responsibility of ensuring that the water purveyor operates a public potable water system free of actual or potential sanitary hazards including unprotected cross-connections. The Division of Environmental Health also has the responsibility of ensuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

(B) Town of Blowing Rock's Responsibility

Except as otherwise provided herein, the Town is the water purveyor and is responsible for ensuring a safe water supply begins 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 consumers water systems. In addition, the Town shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. The Town will determine the degree of hazard or potential hazard to the public potable water system, the degree of protection required, and will ensure proper containment protection through an ongoing inspection program. The Town will identify all facilities where approved backflow prevention assemblies are required to be installed.

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

(C) Plumbing Inspector's Responsibility

The Department of Planning and Inspections of the Town of Blowing Rock has the responsibility to not only review building plans and inspect plumbing as it is installed but, they have the explicit responsibility of preventing cross-connections from being designed and 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 approved by the North Carolina State Building Code.

The plumbing inspector's responsibility begins at the point of delivery downstream of the first installed backflow prevention assembly and continues throughout the entire length of the consumer's water system. The inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is actually called for by the plans. When such is discovered, it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code, North Carolina Department of Environment and Natural Resources and the Town be required by the plans and be properly installed.

(D) Consumer Responsibility

The consumer has the primary responsibility of preventing pollutants and contaminants from entering his/her potable water system 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/her water system. The consumer, at his/her expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town. 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 (3) years. The records shall be on forms approved by the Town and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping, or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a Certified Backflow Prevention Assembly Tester.

(E) Certified Backflow Prevention Assembly Tester Responsibility

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a Certified Backflow Prevention Assembly Tester ("Tester") will have the following responsibilities:

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 the Town on forms approved by the Town. The Tester shall include the list of materials or replacement parts used. The Tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the Tester's responsibility to ensure that original manufactured parts are used in the repair 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 without prior approval of the Town. A Tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. The Tester shall provide a copy of all test and repair reports to the consumer and to the Town within ten (10) business days of any completed test or repair work. A Tester shall maintain such records for a minimum period of three (3) years.

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. All test equipment shall be registered with the Town. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Town as to such calibration, employing an accuracy/calibration method acceptable to the Town.

Section 4. Definitions.

Air Gap - The term "air gap" shall mean a physical separation between the free-flowing discharge end of a potable water supply pipeline and open or nonpressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case less than 1 inch (2.54 cm).

Atmospheric Type Vacuum Breaker - The term "atmospheric type vacuum breaker" (also known as the "nonpressure type vacuum breaker") shall mean a device containing a float-check, a check seat, and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops the float falls and forms a check valve against back-siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the device. An atmospheric vacuum breaker is designed to protect against a nonhealth hazard (isolation protection only) under a back-siphonage condition only.

Auxiliary Water Supply - Any water supply on or available to the premises other than the purveyor's approved public water supply will be considered as an auxiliary water supply. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow - The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms Backpressure and Backsiphonage.

Backflow Prevention Assembly - Types - A "backflow prevention assembly" shall mean 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). Not all types are permitted within the Town. Types include:

- a. Double-Check Valve Assembly (DCVA)
- b. Double-Check Detector Assembly (Fire System) (DCDA)
- a. Pressure Vacuum Breaker (PVB)
- b. Reduced Pressure Principle Assembly (RP)
- c. Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA)

Certified Backflow Prevention Assembly Tester - The term "Certified Backflow Prevention Assembly Tester" (Tester) shall mean a person who has proven their competency to the satisfaction of THE TOWN. 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, shall be a licensed plumber or have at least two (2) years experience under and be employed by a North Carolina licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to THE TOWN, and must hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

Backpressure - The term "backpressure" shall mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage - The term "backsiphonage" shall mean a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

Approved Check Valve - The term "approved check valve" shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one (1) 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 - i.e., pressure vacuum breaker, double-check valve assembly, double-check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

Consumer - The term "consumer" shall mean any person, firm, or corporation using or receiving water from the Town water system.

Consumer's Water System - The term "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 premises, whether supplied by a public potable water or an auxiliary water supply. The systems may be either a potable water system or an industrial piping system.

Consumer's Potable Water System - The term "consumer's potable water system" shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

Containment - The term "containment" shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination - The term "contamination" shall mean 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 waterborne health hazards in the form of physical or chemical contaminants or biological organisms and pathogens.

Cross-Connection - A "cross-connection" shall mean 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. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

Double-Check Valve Assembly - The term "double-check valve assembly" shall mean an assembly composed of two (2) 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 nonhealth hazard (i.e., pollutant). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Double-Check-Detector Assembly - The term "double-check-detector assembly" shall mean 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 nonhealth hazard (i.e., pollutant). Device must be approved by Foundation for Cross-connection Control and Hydraulic Research.

Degree Of Hazard - The term "degree of hazard" shall be derived from the evaluation of conditions within a system which can be classified as either a "pollutional" (nonhealth) or a contaminations (health) hazard.

Health Hazard - The term "health hazard" shall mean an actual or potential threat of contamination of a physical, chemical, biological, pathogenic 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. Examples of waterborne health hazards include but are not limited to:

Physical - radioisotopes/radionuclides;

Chemical - lead, mercury and other heavy metals, organic compounds, other toxics and hazardous substances;

Biological - microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. Coli.

Non-health Hazard - The term "nonhealth hazard" shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A nonhealth 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.

Pollutional Hazard - The term "pollutional hazard" shall mean 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 term "health agency" shall mean the North Carolina Department of Environment and Natural Resources.

Industrial Fluids - The term "industrial fluids" shall mean 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 nonhealth 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; etc.

Industrial Piping System - The term "industrial piping system" shall mean a system used by the consumer for transmission, conveyance or storage of 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 which are or may be polluted or contaminated.

Isolation - "Isolation" is the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer: the Town may make recommendations, upon facility inspection, as to the usages of isolation devices / assemblies, but does not assume or have responsibility whatsoever for such installations.

Point Of Delivery - "Point of delivery" shall generally be at the back side of the meter, adjacent to the public street where the Town's water distribution mains are located. The consumer shall be responsible for all water piping and control devices located on the consumer's side of the point of delivery.

Pollution - The term "pollution" shall mean 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 - The term "potable water" shall mean water from any source which has been approved for human consumption by the North Carolina Department of Environment and Natural Resources (NCDENR).

Public Potable Water System - The term "public potable water system" shall mean any publicly or privately owned water system operated as a public utility, under a current NCDENR 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 a potable water for public consumption or use.

Reduced Pressure Principle Backflow Prevention Assembly - The term "reduced pressure principle backflow prevention assembly" shall mean an assembly containing within its structure a minimum of two (2) 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 to 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 leakage 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 shutoff 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). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Reduced Pressure Principle-Detector Assembly - The term "reduced pressure principle-detector assembly" shall mean 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). Device must be approved by Foundation for Cross-Connection Control and Hydraulic Research.

Service Connections - The term "service connection" shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town loses jurisdiction and control over the water at its point of delivery to the consumer's water system.

Pressure Type Vacuum Breaker - The term "pressure type vacuum breaker" shall mean 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 shutoff 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 term "water purveyor" shall mean the consumer or operator of a public potable water system providing an approved water supply to the public.

Unapproved Water Supply - The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by the NCDENR.

Used Water - The term "used water" shall mean 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.

Section 5. Right of Entry

Upon presentation of proper credentials and identification, authorized representatives from the Town shall have the right to enter 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 Ordinance. 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 consumer has security measures in force which would require proper identification and clearance before entry into the premises, the consumer shall make necessary arrangements with the security guards so that upon presentation of suitable identification, the Town personnel will be permitted to enter without delay for the purpose of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

Section 6. Consumer to Furnish Information

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

Section 7. Elimination of Cross-Connections: Degree of Hazard

(A) When cross-connections are found to exist, the owner, his/her agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the Town. The 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. If, in the judgment of the Town, 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. The maximum time limits are as follows:

1. Cross-connections with private wells or other auxiliary water supplies require immediate disconnection.
2. All facilities which pose a potential health hazard to the potable water system must have a reduced pressure principle backflow prevention assembly within 60 days of notification by the Town.
3. 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 a reduced pressure principle backflow prevention assembly within 90 days of notification by the Town.

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

(C) In the event that Town personnel do 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 backflow prevention assembly shall be required as a minimum of protection.

(D) 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 Town-approved location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

Section 8. Installation of Assemblies.

All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the Town and/or in the latest edition of the North Carolina Building Code, whichever is most restrictive.

All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Environment Health, shall be made available to the Town for review and approval and to determine the degree of hazard.

Ownership, testing, and maintenance of the assembly shall be the responsibility of the consumer.

Section 9. Approved Assemblies.

The Town requires reduced pressure principle backflow prevention assemblies or air gap prevention assemblies.

The installation of any backflow prevention assembly which is not approved by the Town must be replaced by one which is approved by the Town.

All assemblies and installations shall be subject to inspection and approval by Town of Blowing Rock.

Section 10. *Installation -- Reduced Pressure Principle Assembly.*

Reduced pressure principle backflow prevention assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstance. Pit and/or below-grade installations are prohibited.

For all irrigation meters, the backflow prevention assembly shall be located at least three (3) feet, but no more than thirty (30) feet, behind the meter. If this distance exceeds three (3) feet, all piping shall be encased in a cast iron sleeve from the point of deliver to the backflow device.

Section 11. *Consumer Responsible for Proper Operation.*

The consumer 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 within fifteen (15) days after a backflow prevention assembly is installed:

- (a) Service address where assembly is located
- (b) Owner (and address, if different from service address)
- (c) Description of assembly's location
- (d) Date of installation
- (e) Installer (include name, plumbing company represented, plumber's license number)
- (f) Type of assembly and size of assembly
- (g) Manufacturer, model number, serial number
- (h) Test results/report

Section 12. *Unprotected Bypass Prohibited.*

When it is not possible to interrupt water service, provisions shall be made for a "parallel installation" of backflow prevention assemblies. The Town will not accept an unprotected bypass around a backflow preventer.

Section 13. *Containment Assemblies.*

Upon notification by the Town, the consumer shall install the appropriate containment assembly not to exceed the following time frame:

- 1. Health Hazard Facility -- 60 days
- 2. Non-Health-Hazard Facility -- 90 days

Section 14. *Certification Required.*

Following installation, all backflow prevention assemblies are required to be tested by a certified backflow prevention assembly tester within ten (10) days.

Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester approved by the Town. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the Town. A record of all testing and repairs is to be retained by the consumer. Copies of the records must be provided to the Town within ten (10) business days after the completion of any testing, and/or repair work.

Section 15. Repairs.

Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by the consumer or by the Town, 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 - 7 days
2. Non-Health Hazard Facilities - 21 days

Section 16. Test Clocks to be Tested Regularly.

All backflow prevention assemblies with test cocks are required to be tested annually or at a frequency established by the Town.

Section 17. Testing Equipment.

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. All test equipment shall be registered with the Town and shall be checked for accuracy annually (at a minimum), calibrated if necessary, and certified to the Town as to such accuracy / calibration, employing a calibration method acceptable to the Town.

Section 18. Unlawful to Submit False Records.

It shall be unlawful for any consumer or certified backflow prevention assembly tester to submit any record to the Town, which is false or incomplete in any material respect. It shall be unlawful for any consumer or certified tester to fail to submit to the Town any record, which is required by this Ordinance. Such violations may result in any of the enforcement actions outlined in Section 26. of this Ordinance.

Section 19. Facilities Requiring Protection.

Approved backflow prevention assemblies shall be installed on the service line to any facility that the Town has identified as having a potential for backflow.

The following types of facilities or services have been identified by the Town as having a potential for backflow of nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly may 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.

Abbreviations:

- 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

Section 20. Facilities Requiring Air Gap (AG) Backflow Prevention Assemblies.

A list of facilities requiring the installation of an AG assembly includes, but is not limited to, the following:

1. Auxiliary Water Systems – Unapproved Public/Private Water Supply
2. Commercial water tankers/trucks

Section 21. Facilities Requiring Reduced Pressure Detector Assembly (RPDA).

A list of facilities requiring the installation of an RPDA includes, but is not limited to, the following:

1. Fire Systems – ¾-inch to 10-inch or larger.

Section 22. Facilities Requiring an Anti-Siphon Device.

In some instances, the Town will require installation of an anti-siphon device.

A list of facilities requiring the installation of an anti-siphon device includes, but is not limited to, the following:

1. Residential construction sites with temporary water service.

Section 23. Facilities Requiring RP Backflow Prevention Assemblies.

A list of facilities requiring the installation of an RP assembly includes, but is not limited to, the following:

1. Automotive Service Stations, Dealerships, etc.
2. Auxiliary Water Systems – Approved Public/Private Water Supply
3. Bakeries
4. Beauty Shops/Barber Shops
5. Breweries
6. Buildings – Hotels, apartment houses, public and private buildings, or other structures having unprotected cross-connections.
7. Commercial car wash facilities
8. Commercial greenhouses
9. Commercial construction sites with temporary water service
10. Commercial sales establishments, including department stores, malls, etc.
11. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics and veterinary hospitals
12. Laundries
13. Lawn irrigation systems (split taps)
14. Oil and gas production, storage or transmission properties
15. Pest Control facilities (exterminating and fumigating)
16. Power plants
17. Restaurants
18. Restricted, classified or other closed facilities
19. Schools and colleges
20. Sewage and storm drain facilities
21. Swimming pools

Section 24. Connections with Unapproved Sources of Supply.

No person shall connect or cause to be connected any supply of water not approved by the NCDENR to the water system supplied by the Town. Any connections allowed by the Town must be in conformance with the backflow prevention requirements of this Ordinance.

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

Section 25. Fire Protection Systems.

All connections for fire protection systems connected with the public water system $\frac{3}{4}$ -inch and larger -- whether or not using toxic additives, hazardous additives or booster pumps -- shall be protected with an approved reduced pressure principle detector assembly (RPDA) at the main service connection.

All existing backflow prevention assemblies two-and-a-half inches (2 $\frac{1}{2}$ inches) and larger installed on fire protection systems that were initially approved by the Town shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this Ordinance. However, if 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.

Section 26. Enforcement.

The consumer or person in charge of any installation found not to be in compliance with the provisions of this Ordinance shall be notified in writing with regard to the corrective action(s) to be taken.

Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed thirty (30) days after receiving notice unless otherwise specified by Section 7. If the violation has been determined by the Town to be an imminent hazard, the consumer shall be required to correct the violation immediately.

Section 27. Failure to Rectify Violation.

In the event a consumer is found in violation of this ordinance and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service may be terminated, and shall be reestablished when the violation is corrected and any applicable civil penalties are paid.

Section 28. Civil Penalties.

The violation of any section of this ordinance may be punished by a civil penalty listed as followed:

1. Unprotected cross-connection involving a private water system, which creates an imminent hazard – one thousand dollars (\$1,000) per day not to exceed ten thousand dollars (\$10,000.)
2. Unprotected cross-connection involving a private water, system which is of a moderate or high hazard – five hundred dollars (\$500) per day not to exceed five thousand dollars (\$5,000.)
3. If in the judgment of the Town, any consumer, manager, supervisor, or person in charge of any installation is found to be in noncompliance with the provisions of this Ordinance and/or neglects their responsibility to correct a violation, water service may be discontinued until

- compliance is achieved.
4. Failure of a consumer or certified tester to submit any record required by this Ordinance, or the submission of falsified reports/records may result in a civil penalty of up to five hundred dollars (\$500) per violation. If a certified backflow prevention assembly tester submits falsified records to the Town, the Town shall permanently revoke that tester.
 5. Failure to test or maintain backflow prevention assemblies as required – two hundred dollars (\$200) per day.

Enforcement of this program shall be administered by the Public Works Director of the Town of Blowing Rock or his/her authorized representative.

Section 29. Repeal of Conflicting Ordinances.

All ordinances or parts of the Code of the Town of Blowing Rock conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 30. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

[Adopted March 9, 2004]