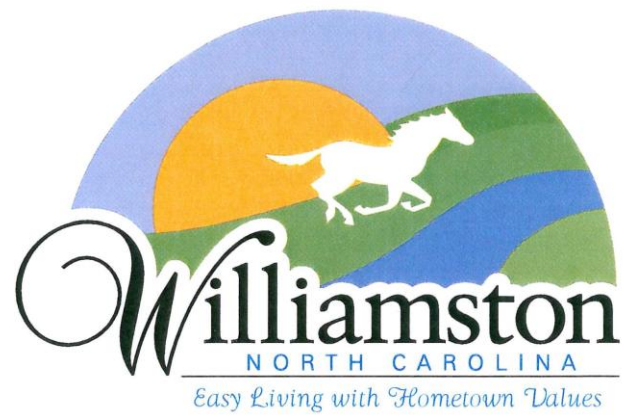


# TOWN OF WILLIAMSTON



# WATER USE ORDINANCE

## **TABLE OF CONTENTS**

		<u>PAGE</u>
<b>SECTION I</b>	<b>DEFINITIONS.....</b>	<b>2</b>
<b>SECTION II</b>	<b>APPLICATION FOR SERVICE.....</b>	<b>3</b>
<b>SECTION III</b>	<b>CONNECTIONS.....</b>	<b>4</b>
<b>SECTION IV</b>	<b>OUTSIDE CONNECTIONS.....</b>	<b>5</b>
<b>SECTION V</b>	<b>OPERATIONS.....</b>	<b>5</b>
<b>SECTION VI</b>	<b>PROHIBITED ENTRY.....</b>	<b>6</b>
<b>SECTION VII</b>	<b>POWERS AND AUTHORITY FOR INSPECTION.....</b>	<b>6</b>
<b>SECTION VIII</b>	<b>INTERCONNECTIONS.....</b>	<b>6</b>
<b>SECTION IX</b>	<b>MEASUREMENT OF FLOW.....</b>	<b>6</b>
<b>SECTION X</b>	<b>WATER USE CHARGES AND FEES.....</b>	<b>6</b>
<b>SECTION XI</b>	<b>DEPOSIT REQUIRED.....</b>	<b>7</b>
<b>SECTION XII</b>	<b>BILLING.....</b>	<b>8</b>
<b>SECTION XIII</b>	<b>CHANGE OF OCCUPANCY.....</b>	<b>9</b>
<b>SECTION XIV</b>	<b>EXTENSIONS TO MAINS AND SERVICES.....</b>	<b>9</b>
<b>SECTION XV</b>	<b>CONSTRUCTION/RECONSTRUCTION OR ABANDONMENT OF BUILDING SERVICE AND CONNECTOINS.....</b>	<b>10</b>
<b>SECTION XVI</b>	<b>SUSPENSION OF SERVICE.....</b>	<b>10</b>
<b>SECTION XVII</b>	<b>COMPLAINTS/ADJUSTMENTS.....</b>	<b>11</b>
<b>SECTION XVIII</b>	<b>PROTECTION FROM DAMAGES.....</b>	<b>11</b>
<b>SECTION XIX</b>	<b>ABRIDGMENT OR MODIFICATION.....</b>	<b>12</b>
<b>SECTION XX</b>	<b>REPEALING CLAUSE.....</b>	<b>12</b>
<b>SECTION XXI</b>	<b>EFFECTIVE DATE.....</b>	<b>12</b>

1. Approving Authority. The Director of Public Works of the Town of Williamston, or his designated representative.
2. Complete Water Works System. All of the works necessary involved in: (1) the transport of water to individual homes, buildings, in other authorized discharge points from a plant or facility where treatment or storage of the water is accomplished; (2) the supply of and treatment of the waters to remove impurities; and (3) the storage of the waters from the treatment process.
3. Construction. Any one or more of the following: Preliminary planning to determine the feasibility of supply facilities, treatment works, storage or public water mains, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvements, or extension of supply facilities, treatment works, storage facilities or public water mains, or the inspection or supervision of any of the foregoing items.
4. Distribution Main. A water main intended to carry waters to residences, commercial buildings, industrial plants, and institutions.
5. Industrial user. (1) Any nongovernmental, nonresidential user of a publicly owned treatment works which consumes the equivalent of 25,000 gallons per day of water and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented.
6. Interference. Disruption of the publicly owned treatment works operations, which contributes to a violation of any of the Safe Drinking Water Standards.
7. Main. A pipe or conduit for carrying water.
8. mg/l. (denoting milligrams per liter) Parts per million by weight. (1 part per million = 1 milligram per liter)
9. Person. Any individual, business entity, partnership, corporation, governmental Agency or political subdivision.
10. Publicly Owned Water Works. (POWW) Water supply, treatment, storage and any mains that transport waters to the consumers. The municipality which owns the treatment works has jurisdiction over all components of and use of the POWW.
11. Public Water Main. A water main which is controlled by the Town and in which all owners of abutting properties have equal rights.
12. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the POWW to maintain the capability and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
13. Shall is mandatory; May is permissive.

14. Town. The Town of Williamston.
15. Trunk Main. A water main whose primary purpose is to transport waters to Distribution Mains from a treatment supply or storage facilities.
16. Useful Life. Estimated period during which a treatment works will be operated.
17. User. Any person, including the party contracting for the account, utilizing the Town water works for water supply; and any person using a lot, parcel of land, building or other premises connected to and consuming water from the water distribution system of the Town, and who pays, or who is or would be legally responsible for the payment of utility rates or charges made against said premises upon its connection to the water distribution system of the Town.
18. User Charge. A charge levied on users of a publicly owned treatment works.
19. Water. Waters that have been treated so as to be drinkable in accordance with the standards of the Federal Safe Drinking Water Act.

## SECTION II. APPLICATION FOR SERVICE

1. Service will be supplied only to those who have made application and have paid the deposit.
2. The user will make application for service in person, at the Town Hall and at the same time, make any deposit guarantee required by Section XI.
3. The Town may reject any application for service when the applicant is delinquent in payment of bills incurred for services previously supplied at any location.
4. The Town may reject any application for service not available under a standard rate of which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons.
5. Normal service size shall be  $\frac{3}{4}$  inch unless the applicant has special water demand requirements, in which case the service size must be approved by the Approving Authority.
6. Trailer courts and multi-dwelling water service size to be required:
  - a.
 

3/4" Service	1 Trailer/1 Dwelling
1" Service	2-5 Trailers/ 2-5 Apartments/Hotel Rooms
2" Service	6-20 Trailers/6-20 Apartments/Motel Rooms
  - b. Service size for more than 20 units to be determined on case-by-case basis.
  - c. Cost of service installation shall be paid by Owner.
7. Where service is furnished to rental property, the property owner shall be

responsible for the initial service installation charge and shall connect to the system within 90 days of availability after which time there will be a monthly minimum bill for water service availability. Tenants will be required to make a deposit and pay any meter installation fee prior to the time they receive service. Upon termination of occupancy of rental property, the tenant or owner shall notify the Town, who will make a final reading and may remove the meter. The deposit will be applied by the Town toward the final billing. Any balance will be refunded to the tenant. Property owner(s) will be responsible for water usage and damages to Town water system in cases where there is not a tenant account.

8. Where service is furnished to a home or business, the property owner shall be responsible for the initial service installation charge and shall connect to the system within 90 days of availability after which time there will be a monthly minimum fee for water service availability. The owner will be required to make a deposit and pay any meter installation fee prior to the time they receive service.

### SECTION III. CONNECTIONS

1. The construction of laterals for the connection of the water pipes on any lot with public water mains and the necessary excavation thereof shall be performed only by the Town.
2. Every house or building abutting any water main shall have a separate connection. The Town may construct a single water service lateral of sufficient size to the property or curb line; provided, that each house or business is connected through a separate water meter. Approved complexes, such as mobile home parks and Housing Authority projects may be served with a single master water meter if approved by the Approving Authority and shall be billed based on the number of individual users served. Users that do not share common facilities (restrooms, etc.) or are constructed or situated in such a way as to be recognizable as a separate user shall be billed as an individual user.

When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each shall be clearly designated to which consumer it applies. Apartments, mobile homes, or other structures with living quarters shall be considered a separate user and shall require a separate service and account.

3. All water meters, meter boxes, pipes and other equipment furnished and used by the Town in installing any water connection shall be and remain the property of the Town.
4. The Town may install its meter at the property line or, at the Town's option, on the consumer's property or in a location mutually agreed upon.
5. Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the Town's lines or mains.
6. If the consumer's piping on his premises is so arranged that the Town is called upon to provide additional meters, a separate account shall be established for

each meter.

7. A suitable place shall be provided by the consumer for placing his meter unobstructed and accessible at all times to the meter reader.
8. The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the Town's rules and in full compliance with the sanitary regulations of the North Carolina Division of Health Services.
9. The consumer shall furnish and maintain a private cut-off and appropriate backflow prevention device on his side of the meter, and the Town will provide a cut-off valve on the Town's side of such meter.
10. Water connections shall be made into existing taps constructed by the City to serve a lot. In the event a tap is not existing, one will be provided as close as possible to the location requested by the customer. When lines are constructed by the city, water service lines shall be constructed to the point where the meter box will be set.
11. Each user shall grant or convey, or shall cause to be granted or conveyed, to the Town, a perpetual easement and right-of-way across any property owned or controlled by the user whenever said perpetual easement and right-of-way is necessary for the Town water facilities and lines, so as to be able to furnish services to the user.

#### SECTION IV. OUTSIDE CONNECTIONS

Connections may be made outside the corporate limits of the Town in accordance with the policies and users fees from time to time adopted by the Town.

#### SECTION V. OPERATIONS.

1. No person, except the director of public works or chief of the fire department, or persons authorized to act by them, shall take or in any way use water from public hydrants, unless such person shall first apply to the Approving Authority for permission to do so and such approval is granted, in writing, including any conditions for such approval. Any person using or obtaining water from a public fire hydrant except as herein authorized, shall be assessed a penalty as set forth in the fee schedule in addition to the charge for water actually used or obtained.
2. All meters, except such as are required to be furnished or maintained by particular users of water or those damaged by customer intent or negligence, shall be kept in good repair and working order by and at the expense of the Town. Meters furnished or maintained by particular users of water shall be kept in good repair and working order by the user. It shall be unlawful for any person to break, or in any way damage, or cause to be broken (or damaged) or to make inaccessible, any public fire hydrant, water meter, meter box, or gate valve box connected to the Town's water system. It shall be the duty of the person having caused such damage to report the incident to the Police Department or Public Works Department. If any of the above are damaged

through any means other than by a Town employee, the customer responsible for payment of the account shall be responsible for repair or replacement costs.

3. The Town reserves the right at any time to shut off the water in case of accident or for the purpose of making connections or repairs.
4. No person, except the director of public works or chief of the fire department, or persons authorized to act by them, shall open, close, or in any way operate any valve on the water distribution system, unless such person shall first apply to the Approving Authority for permission to do so and such approval is granted, in writing, including any conditions of such approval. It shall be unlawful for any person to operate, tamper with, by-pass, damage, cause to be damaged, or otherwise render ineffective any meter, valve, or locking device.
5. Persons requesting water service activation shall ensure that plumbing is properly connected, secure, and all fixtures or faucets are closed to prevent flooding or other damage to building or dwelling. The Town will not be liable for any damages caused by flooding occurring through private plumbing.

#### SECTION VI. PROHIBITED ENTRY

No person shall be permitted to enter the water supply, treatment, or storage facilities nor any pumping station unless accompanied by the person in charge, and under no circumstances shall any person handle or in any way come in contact with any part of the machinery or other equipment.

#### SECTION VII. POWERS AND AUTHORITY FOR INSPECTION

The duly authorized employees and representatives of the Town, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provision of this ordinance.

#### SECTION VIII. INTERCONNECTIONS

No private water piping system shall be connected nor remain connected to the publicly owned water works if it is also connected to another water supply source (public or private), whether said source is valved or not.

#### SECTION IX. MEASUREMENT OF FLOW

The volume of flow used in computing water use charges shall be based upon metered water consumption as shown in the records of meter reading maintained by the Town.

#### SECTION X. WATER USE CHARGES AND FEES

1. User charge shall be the charge levied on all users including, but not limited to, persons, firms, corporations or governmental entities that consume, cause or permit the consumption of water from the publicly owned water works. The minimum charge, according to a schedule of charges as from time to time set by the Town, shall be applied for temporary turn-ons.
2. The user charge shall at a minimum, reflect the costs of operation and

- maintenance (including replacement) of the publicly owned water works.
3. Each user shall pay his proportionate share of operation and maintenance (including replacement) costs based on volume of flow.
  4. The Town of Williamston Board of Commissioners shall review not less than annually the water consumption of users, the total costs of operation and maintenance (including replacement) of the complete water works system, and the user charge system. The user charge shall be revised if necessary, to accomplish the following.
    - a. Maintain the proportionate distribution of operation and maintenance costs among users as provided herein.
    - b. Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the publicly owned water works.
  5. The Town, to the extent practicable, will record usage not directly attributable to customers (such as flushing and firefighting) in order to include this usage in the setting of rates.
  6. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate.
  7. Determination of the user charge rates shall be as calculated in accordance with the Town of Williamston User Charge System.
  8. Connection charges and Deposits shall be payable in advance according to a schedule of charges as from time to time set by the town.
  9. For violation of any of the provisions of this ordinance relating to service the Town may at the expiration of 15 days after mailing a written notice to the address of the customer, as reflected on the Town's records, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the customer shall first pay to the Town a reinstallation fee according to a schedule of charges as from time to time set by the Town.

No reinstallation will be made unless all delinquent service bills and the reinstallation fee have been paid in full.

10. Fees for permits shall be payable in advance in amounts as from time to time set by the Town.
11. All fees and charges are subject to review and adjustment by the Board of Commissioners from time to time.

#### SECTION XI. DEPOSIT REQUIRED

1. Deposits shall be required in amounts as from time to time set by the Town. Deposits shall not draw interest.



2. Upon discontinuance of service and after satisfactory payment of outstanding water bills, the remainder of initial deposit shall be refunded to the contracting party or his authorized agent.
3. The person in whose name the deposit is made shall be responsible for payment of all bills for water consumed.
4. Where a deposit is required, a separate deposit shall be made for each meter installed.
5. The deposit may be transferred in the event a contracting party moves to another location served with town water and sewer; however deposits may not be transferred to another contracting party.
6. The contracting party, either in person or through his duly authorized representative or agent, shall apply for and discontinue water and sewer service. Property owners shall provide evidence of sole ownership or, in cases of multiple ownership, of an ownership interest. Tenants shall provide evidence of the authority or permission from the owner to occupy the property as a tenant. In cases where the property served is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter, the owner or owners shall be the contracting party and are legally obligated to pay the water and sewer fees.
7. The contracting party shall provide government issued identification and proof of address as a condition for establishing a water and sewer service. Acceptable forms of identification include drivers' license, state identification cards, military identifications and passports.
8. The contracting party, either in person or through his duly authorized representative or agent, shall

## SECTION XII. BILLING

1. Bills will be sent through the United State mail notifying all persons of the amount and date due.
2. Bills are due on the 10<sup>th</sup> day of every month. Persons not having paid their bills by the 10<sup>th</sup> day of the month will be delinquent. No exception will be made for due dates falling on weekends and holidays. For any bill remaining unpaid on the 20<sup>th</sup> day of the month, a late fee will be assigned. For any bill remaining unpaid on the 21<sup>st</sup> day of the month, the connection with the water system serving the premises will be severed and will only be reconnected after the delinquent bill, including late fee, is paid in full. Reconnection shall be made at the contracting party's expense as stated in Section X of this ordinance.  
(Ord. 2016-85, passed 3-7-2016)
3. Charge for services commences when the meter is installed.

4. Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different users, or for the same or difference services.
5. At the discretion of the Approving Authority, a letter may be sent to each delinquent patron on the advising that service will be discontinued if the bill is not paid by a date certain, and that the delinquent fee will be charged before service is restored.
6. Customers are responsible for knowing when bills are due and failure of the consumer to receive a bill shall not constitute a defense to a delinquent charge.

#### SECTION XIII. CHANGE OF OCCUPANCY

1. Not less than three days notice shall be given, in person or writing, to the Town office to discontinue service or to change occupancy.
2. The contracting party or the owner if more than one tenant is served by one meter, shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

#### SECTION XIV. EXTENSIONS TO MAINS AND SERVICES

1. The Town may construct extensions to its water lines to points which are within its service area but the Town shall not be required to make such installation unless the consumer makes application for service and advances to the Town the entire cost of the installation.
2. All line extensions shall be evidenced by contract signed by the Town and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Town Board of Commissioners.
3. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.
4. Water distribution lines to serve subdivisions will be handled as follows:
  - a. The developer will submit plans and specifications sealed by an engineer licensed to practice in North Carolina for review and approval by the Town, its engineer and the North Carolina Division of Health Services.
  - b. Materials, methods, and procedures shall be consistent with those of the Town.
  - c. The developer will install the lines in accordance with the approved plans.
  - d. Upon completion of the new extension, the developer will deed the complete facility, to include all right-of-ways, instruments needed, for the operation and maintenance of the facility to the Town. (The Town will provide 40% of water/sewer line costs and engineering/survey costs not to exceed \$200.00 per running foot of street center line for qualified housing development in city limits or areas petitioned for annexation. These costs would be re-imbursed after the

developer has completed sub-division construction and homes have been built on at least 51% of the lots in the sub-division.)

- e. The determination of feasibility of service shall be determined by the Board of Commissioners, including but not limited to the following circumstances:

- Availability of Town funds
- Availability of developer funds
- Number of signed users
- Availability of water supply
- Number of potential users
- Anticipated future growth of area
- Approval of funding agencies

#### SECTION XV. CONSTRUCTION/RECONSTRUCTCION OR ABANDONMENT OF BUILDING SERVICE AND CONNECTIONS

Any person who shall construct or cause to be constructed new buildings with water system piping or additions with water piping within the corporate limits of the Town of Williamston shall meet the following requirements.

1. A permit to install new connections, or piping from existing connection to building, or piping from an existing building to a new building, shall be obtained from the Town. Such permits may be issued after the Town's determination that each separate dwelling or business unit shall have separate connections to the water distribution system. The Town may waive this requirement in unusual cases (i.e. multi-story apartment complex).
2. Responsibility for the proper installation of water piping in accordance with approved plans shall be with the property owner, or his agent or contractor. The responsible person shall be designated upon applying for the required permit.
3. The cost of processing permits shall be included in the connection charge or applicable fee.
4. Piping and connections to new or existing service connections shall be inspected by the Approving Authority or a designated representative. Existing services proposed for reuse shall be inspected by the Approving Authority or a designated representative prior to connections.
5. Any person who shall demolish or cause to be demolished any existing building with water service shall be required to notify the Approving Authority.

#### SECTION XVI. SUSPENSION OF SERVICE

1. The Town reserves the right to discontinue its service without notice for the following reasons:
  - a. To prevent fraud or abuse. The connection by a user of his or her water supply to separate premises which has had its water service discontinued shall be considered fraud or abuse.

- b. Consumer willful disregard of the Town's rules.
  - c. Emergency repairs.
  - d. Insufficiency of supply due to circumstances beyond the Town's control.
  - e. Legal processes.
  - f. Direction of public authorities.
  - g. Strike, riot, fire, flood, accident, or any unavoidable cause.
2. The Town may, in addition to exercising any and all other remedies provided by law, permanently refuse service to any person, firm or corporation which has violated the provisions of North Carolina General Statute 14 – 151.1. As an alternative, the Town may require a bond in accordance with the provisions of its Sanitary Sewer Use Ordinance.
  3. Each water service account shall be treated as a separate entity for purposes of cut-off for nonpayment, regardless of the name in which the account is registered.

SECTION XVII. COMPLAINTS/ADJUSTMENTS

1. If the user believes his bill to be in error, he shall present his claim, in person, to the town before the bill becomes delinquent. Such claims, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service. The user may pay such bill under protest and said payment shall not prejudice his claim.
2. The Town may make special meter readings at the request of the user for a fee as from time to time set by the Town, provided that if such special readings disclose that the meter was over read, no charge will be made.
3. Meters will be tested at the request of the user upon payment to the Town of a fee as from time to time set by the Town, provided that if the meter is found to over-register beyond 5 per centum of the correct volume, no charge will be made.
4. If the seal of a meter is broken by other than the Town's representatives, or if the meter fails to register correctly or is stopped for any cause, the user shall pay an amount estimated by the Town from the record of his previous bills and from other data considered relevant by the Town.

SECTION XVIII. PROTECTION FROM DAMAGES

It shall be a misdemeanor to intentionally or willfully break, damage, destroy, uncover, deface, or tamper with any equipment or materials of the Town of Williamston used for the purpose of making tests or examinations and left upon the premises of a user; and it shall be a misdemeanor to intentionally or willfully break, damage, destroy, uncover, deface, or tamper with any portion or part of the publicly owned water works.

SECTION XIX. ABRIDGMENT OR MODIFICATION

1. No promise, agreement or representation of any employee of the Town shall be binding upon the Town unless it shall have been agreed upon in writing and signed by the proper officers of the Town.
2. Modifications of any charges or of any portion of this ordinance shall be made only by the Board of Commissioners of the Town.

SECTION XX. REPEALING CLAUSE

All ordinances or parts of ordinances or rules and regulations, in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION XXI. EFFECTIVE DATE

This ordinance shall take effect and be in full force to include all existing and future users from and after the 13<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Mayor, Town of Williamston

ATTEST:

\_\_\_\_\_  
Town Clerk