

ORDINANCE AMENDING CHAPTER 26 OF THE
DURHAM COUNTY CODE OF ORDINANCES

WHEREAS, the North Carolina Legislature has, through Article 15 of Chapter 153A of the North Carolina General Statutes, delegated to counties the power to construct, establish, own, maintain and operate a public enterprise for the provision of water and sewer services to the citizens of the County; and

WHEREAS, the Commissioners of the County of Durham, pursuant to their authority granted under Article 15 of Chapter 153A of the North Carolina General Statutes, enacted a Utilities Ordinance to regulate the provision of water services in specified areas of the County; and

WHEREAS, the Board of County Commissioners wishes to amend the Utility Ordinance to address concerns of the public health safety and welfare.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF DURHAM DOETH ORDAIN:

- 1) That Chapter 26, Article II of the Durham County Code of Ordinances is hereby amended as follows:

ARTICLE II. UTILITY SERVICE

26-26.1. Authority.

This ordinance is adopted pursuant to Article 15 of Chapter 153A of the North Carolina General Statutes for the purposes of providing adequate and reasonable rules and regulations to protect and regulate the water supply and sewage treatment systems owned and/or operated by the County of Durham; to authorize the establishment of a schedule of rents, rates, fees and charges for the use of the County's water supply and sewage treatment systems and collection of the same; and to provide for enforcement of the ordinance, rules and regulations governing the use of the County's water and sewage treatment systems.

26-26.2. Definitions. For purposes of this article, the following terms shall have the meanings set forth below, unless the context clearly indicates otherwise.

Air gap means an unobstructed physical separation sufficient to prevent backflow between the free flowing end of a drinking water supply system and any other system. Physically, an approved air gap is defined as a distance that is at least twice the diameter of the supply pipe measured vertically to the overflow rim of the receiving vessel, but never less than one inch.

Atmospheric vacuum breaker (AVB) means a device that prevents backsiphonage by creating an atmospheric vent when there is either negative pressure or subatmospheric pressure in a water system. It includes those devices permanently attached to a hose bibb ("hose bibb vacuum breaker").

Auxiliary intake means a piping connection or device where by water may be secured from a source other than the County's drinking water supply (e.g., well).

Backflow means the reversal of flow of water or other liquids, mixtures, or substances, under positive or reduced pressure in the County's drinking water distribution system, which flows from any source other than its intended public source, or such flow in the user's drinking water distribution system.

Backflow permit means a document issued by the County that authorized a particular action or use of a particular backflow preventer or other devices.

Backflow preventer means a device or method designed to prevent backflow or backsiphonage. Common categories of backflow preventers are: air gap, reduced pressure principle assembly, reduced pressure detector assembly, double check valve assembly, double check detector assembly, pressure vacuum breaker, atmospheric vacuum breaker, and hose bibb vacuum breaker.

Backpressure means a condition in which the pressure in the user's drinking water supply system is greater than the County's drinking water supply system pressure which can cause a reversal of the normal direction of flow.

Backsiphonage means the flow back of used or contaminated water from a plumbing fixture or vessel into the pipe which feeds it, caused by reduced pressure in the pipe.

Building is a structure intended for use as a place of habitation, recreation, or gathering for any purpose, including the conduct of business or work, and to which water is supplied for the necessity or convenience of promoting the intended use. Every separate residential or commercial unit in any building containing multiple units shall be considered a separate building.

Certified tester means a person who meets applicable state requirements for inspecting, testing and repairing backflow preventers.

Connection is the part of the sewer service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.

Containment means preventing backflow that can affect the County drinking water supply system through installation of a backflow preventer directly downstream of the water meter or other point of water service connection before any branching occurs within the user's drinking water supply system.

Contamination means affecting the quality of drinking water supplied by the County so as to negatively impact the quality of the drinking water or present a hazard to public health.

Controlled by is owned, operated or leased by.

Cross-connection or cross connection means any actual or potential connection or structural arrangement between the drinking water supply system (whether the County's or a user's) and a source of potential contamination.

Cross-connection control administrator means the County staff person designated by the Director to perform certain functions with regard to administration of the County's program for controlling cross connections and installing backflow preventers.

County shall mean the County of Durham, North Carolina.

County water system means the portion of the facility owned by the County which are used to distribute piped water for human consumption.

Cut-Off Valve is a valve used to regulate the water supply to a consumer's premises.

Department means the County's Utility Division.

DEQ means the North Carolina Department of Environmental Quality.

Director means the Director of Engineering and Environmental Services. The Director may delegate any functions under this article to one or more designees.

Documents including writings, drawings, graphs, charges, photographs, phonorecords, and other data compilations from which information can be obtained and translated if necessary through detection devices into reasonable usable form.

Double check detector assembly means as an assembly consisting of two approved double check valve assemblies installed as one unit. One of those assemblies is smaller than the other and is installed as a protected bypass around the main backflow preventer. The bypass branches out of the body of the larger assembly immediately after the inlet shut-off valve, and it terminates in the body of the larger backflow preventer immediately before its outlet shut-off valve. The bypass contains a specific water meter (reading in cubic feet) that detects small flows. The maximum pressure loss through the assembly cannot exceed ten pounds per square inch under normal flow conditions.

Double check valve assembly or double check valve assembly preventer (each may be referred to as a DCVA) means an assembly containing two single, spring-loaded, independently operating check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Drinking water supply system means the piping that distributes water meeting potable water standards and supplied by the County. If the system is on the street side of a water meter, the system is the "County drinking water supply system" and if it is on the user's side of the water meter it is the "user's drinking water supply system".

Dual check valve device means a device that contains two spring-loaded, independently operating check valves in series, without tightly closing shut off valves and test

cocks. These are generally used immediately downstream of the County water meter as a containment device.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Engineer means the Director or Director's designee, except in section 26-26.4 (d)(3).

Isolation means isolating a localized hazard at the point of use from the drinking water system so that it does not affect the remainder of the internal drinking water system.

Lateral is the portion of the sewer connection that joins the main located in a public street or right-of-way and the point of delivery for service (usually at or near the property line of the applicant).

Main is a water pipe or sewer line usually laid in a street or the street right-of-way running parallel to the property line.

Occupant is the user who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Permit means a permit issued pursuant to this article. The permit shall authorize the construction or alteration of the distribution system of a public water system. As used in the preceding sentence, "distribution system" means the network of pipes, valves, hydrants, and related appurtenances.

Person is an individual, firm, association, partnership or corporation.

Plumbing permit shall have the same meaning as it has in the North Carolina State Building Code.

Premises mean a lot or parcel or unimproved land; or a parcel of land and the buildings and other structures and appurtenances thereto; or each separate residential or commercial unit on any parcel of land on which multiple residential or commercial units are located.

Pressure vacuum breaker (PVB) means a device containing and independently operating spring-loaded check valve and an independently operating spring loaded air inlet valve located on the discharge side of the check valve. The device includes properly located test cocks for testing the proper operation of the check valve and air inlet as well as tightly closing shut-off valves located at each end of the assembly.

Public water system shall have the meaning stated in G.S. 130A-313, as amended from time to time.

Rate Schedule is the current rates customers will be billed currently in effect and approved by the Board of County Commissioners of Durham County.

Reduced pressure detector assembly (RPDA) means an assembly consisting of two approved reduced pressure backflow prevention assemblies installed as one unit. One of those assemblies is smaller than the other and is installed as a protected bypass around the main backflow preventer. The bypass branches out of the body of the main assembly immediately after the inlet shut-off valve, and it terminates in the body of the main backflow preventer before its outlet shut-off valve. The bypass contains a specific water meter (reading in cubic feet) that detects small flows. The type of backflow preventer is the bypass assembly and is the same type as the main backflow preventer, thus providing the same level of protection in both branches. The RPDA is often used on a fire sprinkler system or an extended fire hydrant line.

Reduced pressure principle assembly (RPZ) means an assembly containing two spring-loaded independently operating check valves, with an automatically operating pressure differential relief valve located between the two check valves, plus tightly closing shut off valves on each side of the check, valves, and properly located test cocks for testing the check valves.

Service Line is a water or sewer line which services a building and which runs from the water meter to the building being served.

Standards mean those written requirements issued and maintained by the department that meet, at a minimum, the requirements of law. The standards shall be maintained in a document available in paper and online which may bear any title, including, “manual,” “requirements,” or “guidelines”.

Unusual Conditions are any conditions which cause delays in acquiring materials, parts, supplies, or providing services, making repairs, making installations or making connections which are encountered in construction activities and other items which might cause delays not under the control of the County.

User means any person that occupies or owns property that receives water from the County drinking water system.

26-26.3. Water and sewer connections.

- a) The owner of any property located within the County:
 - (1) On which there is a structure served by a privately-owned, on-site or community type water or sanitary sewer system; and
 - (2) where a public water or sanitary sewer line is located on the property or in the street adjoining the property, shall be required to abandon and discontinue the use of the private system and connect the premises to the public water or sewer line under the circumstances provided in subsection (b) of this section. Subject to the provisions of Section 26-26.15, this section shall not prohibit the continued use of the private water system for non-potable uses outside of the structure, such as lawn watering,

gardening, agricultural use and car washing, where the water used does not enter the public sanitary sewer line. Any private water system shall be physically separated from the public water system.

- b) Where the County, the State, or an agency of the County or State determines that the property is being served by a malfunctioning on-site or community-type water or sewer system, then such property owner shall make application for connection to the public water or sewer line within thirty (30) days from the date the Director provides written notice to the property owner to make such application.
- c) Upon installation of the water or sewer lateral by or on the behalf of the County, the Director shall thereafter provide written notice to the property owner of completion of such installation. Within thirty (30) days from the date of such notice, the property owner shall connect the premises to the lateral and abandon and discontinue the use of the private system.
- d) A property owner may submit a written request to be relieved of the obligation to connect the premises to the public water or sewer line on the basis that such connection would cause a hardship to the owner. If the Board of County Commissioners finds that relief is necessary to avoid a hardship and that continued use of the private water or sewer system will not adversely affect the public health, safety and general welfare, then the Board of County Commissioners may grant such request. In such event, the Board may require the property owner to pay periodic availability charges for the availability of the public water or sewer line. Such availability charges shall be in an amount established by the Board of County Commissioners. Such amount shall not exceed the monthly service charges established for properties connected to the public water or sewer line.
- e) All references to the "property owner" mean the owner of the property at the address or addresses as shown on the County tax records.
- f) The person designated to provide the written notices pursuant to this section shall file with the Clerk to the Board of County Commissioners a certificate showing that they were hand delivered or mailed first-class mail and the date of such delivery or mailing. The certificate shall be conclusive as to compliance with notice provisions of this section in the absence of fraud. Notice sent by first-class mail shall be deemed effective on the third business day after mailing.

26-26.4. Separate water connections required for each structure; exceptions.

- (a) Except as herein otherwise provided, there shall be a separate tap and connection with the water pipe of the County, and a separate service pipe, tap and meter for each house or structure, and no service connection shall be used to supply water to more than one house, structure or building.
- (b) When an owner or an interior lot desires to construct a non-dwelling structure as a separate building in the rear of an existing house, structure or building, and such structure addition on such lot are in a common occupancy, such owner may be permitted to serve the additional structure with County water through the service connection serving the existing structure; provided, that:
 - (1) The interior lot fronts on one street only,

- (2) The interior lot is of insufficient width to allow subdivision or construction of an additional structure which could abut such street, and
 - (3) Such additional construction is in compliance with the County's Unified Development Ordinance (UDO).
- (c) A common water connection, including a private water distribution system, will be permitted to serve more than one building of the following categories:
- (1) Group apartment housing (projects consisting of more than one structure situated on one track under common ownership and not intended to be capable of subdividing into individual lots or tracts for sale purposes.)
 - (2) Motels, hotels
 - (3) Hospitals
 - (4) Warehouse, industrial buildings (under one ownership and engaged in one business only)
 - (5) Schools
 - (6) Trailer courts
 - (7) Shopping centers
 - (8) Condominium developments (individual ownership of a single unit in a multi-unit structure with common elements, such as hallways, parking bays and open spaces.)
 - (9) Townhouse developments (a development consisting of one or more residential structures comprised of two or more attached single-family residences intended for owner-occupancy with individual residences locate on their own individual lots with the possibility of common ownership of open spaces, parking bays, etc.)
 - (10) Religious facilities
 - (11) Homes for the ill or aged, including rest and convalescent homes
 - (12) Accessory dwelling units such as garage apartments wherein the lot on which the primary residence and the accessory dwelling unit are situated cannot reasonably be further subdivide.
- (d) A common water connection, including a private water distribution system, will be permitted to serve the above category for buildings meeting the following minimum requirements:
- (1) The building to be served shall be in compliance with the Unified Development Ordinance (UDO).
 - (2) The building permit and plat 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 Director a site plan showing the proposed water construction. Such plan shall be prepared by a registered professional engineer who shall also provide full time inspection of the work. Such plan shall be approved by the Director to include 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 County 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; however, all construction between the water meter and a fire

hydrant or other fire protection device shall be in accordance with County standards and specifications.

- (4) Should a building within such multiple constructed area be conveyed to a new owner, the County shall require a separate water connection from that building to the main in the street, except in the case of condominium and townhouse development.

26-26.5. Metering of water connections; testing meters.

- (a) All connections made to the County water supply shall be metered, except for protection connections, with metering devices selected by the County at the owner's expense. The consumer of water shall be charged for all water that passes through the metering devices whether used or wasted unless such charges are otherwise adjusted. Meters shall be located on public right-of-way; except, that meters may be located on private property to serve buildings in the following categories:
 - (1) Group apartment housing (projects consisting of more than one structure situated on one tract under common ownership and not intended to be capable of subdividing into individual lots or tracts for sale purposes.)
 - (2) Motels, hotels
 - (3) Hospitals
 - (4) Warehouse, industrial buildings (under one ownership and engaged in one business only)
 - (5) Schools
 - (6) Trailer courts
 - (7) Shopping centers
 - (8) Condominium developments (individual ownership of a single unit in a multi-unit structure with common elements, such as hallways, parking bays and open spaces.)
 - (9) Townhouse developments (a development consisting of one or more residential structures comprised of two or more attached single-family residences intended for owner-occupancy with individual residences locate on their own individual lots with the possibility of common ownership of open spaces, parking bays, etc.)
 - (10) Religious facilities
 - (11) Homes for the ill or aged, including rest and convalescent homes
- (b) The location of meters on private property shall be approved by the Director.

26-26.6. Separate sewer connection required for each structure; exceptions.

- (a) Except as herein otherwise provided, there shall be a separate tap and connection with the sewer pipe of the County for each house, structure or building, and no sewer connection shall be used to collect the sewage from more than one house, structure or building.
- (b) When an owner of an interior lot proposes to construct a non-dwelling structure as a separate building in the rear of an existing house, structure or building, and such structure and additions on such lot are in a common occupancy such owner may be permitted to serve the additional structure or building through the sewer connection serving the existing structure; provided, that:
 - (1) The interior lot fronts on one street only.

- (2) The interior lot is of insufficient size to allow subdivision or construction of an additional structure which could abut such street.
 - (3) Such additional construction is in compliance with the County's UDO, if located within the jurisdiction of the County,
- (c) A common sewer connection, including a private sewage collection system, will be permitted to serve more than one building of the following categories:
- (a) Group apartment housing (projects consisting of more than one structure situated on one tract under common ownership and not intended to be capable of subdividing into individual lots or tracts for sale purposes.)
 - (b) Motels, hotels
 - (c) Hospitals
 - (d) Warehouses, industrial buildings, (under one ownership and engaged in one business only.)
 - (e) Schools
 - (f) Trailer courts
 - (g) Shopping centers
 - (h) Condominium developments (individual ownership of a single unit in a multi-unit structure with common elements, such as hallways, parking bays and open spaces.)
 - (i) Townhouse developments (a development consisting of one or more residential structures comprised of two or more attached single-family residences intended for owner-occupancy with individual residences locate on their own individual lots with the possibility of common ownership of open spaces, parking bays, etc.)
 - (j) Religious facilities
 - (k) Homes for ill or aged, including rest and convalescent homes.
 - (l) Accessory dwelling units such as garage apartments wherein the lot on which the primary residence and the accessory dwelling unit are situated cannot reasonably be further subdivided.
- (d) A common sewer connection, including a private sewage collection system, will be permitted to serve the above category of buildings meeting the following minimum requirements:
- (1) The building to be serviced shall be in compliance with the County's UDO if located within the jurisdiction of the County,.
 - (2) The building permit and plat 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 Director a site plan showing to proposed sewer construction. Such plans shall be prepared by a registered professional engineer who shall also provide full time inspection of the work. Such plans shall be approved by the Director to include size of sewers and materials to be used for construction. All sewers eight inches or larger in size shall be construction in accordance with County standards and specifications. All sewers smaller than eight inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

- (4) Should a building within such multiple constructed area be conveyed to a new owner, the County shall require a separate sewer connection from that building to the main in the street, except in the case of condominium and townhouse developments.

26-26.7. Construction, cost of water connections.

- (a) The County shall furnish all materials and make all connections to the water mains and install all water service pipes from the mains to the property line; provided, that the County may award contracts for the installation of water services when the Director deems such is necessary and is to the best interest of the County, except in the case of new subdivisions where it shall be the responsibility of the developer to install all water connections at his or her own cost in accordance with County standards and specifications,.
- (b) Where the water connection is made by a developer, the installation shall include the meter box and the meter yoke. The water meter shall be installed by the County at the prevailing charge, which shall be borne by the developer. Where the water connection is made by the County, the property owner shall pay the County in advance of such work the appropriate fixed cost as outlined in Section 26-26.21.

26-26.8. Maintenance and repair of water connections, pipes, etc.

- (a) The County shall maintain all water connections within the streets or public right-of-way and shall absorb the cost of such repairs and maintenance through the fees charged. All pipes and fixtures within private property shall be kept in repair by the property owner or consumer. When repairs are not made to prevent waste of water within six (6) hours after receiving notice from the Director, the County shall discontinue service until such time as the repairs are made or shall have the right to enter on the property and make the necessary repairs. The work by the County shall be limited to the necessary water line repairs and backfilling. The cost of repairs performed by the County shall be charged to the property owner, and service may not be reinstated until they are paid.

26-26.9. Water pressure reducing valve.

- (a) Any water service consumer of the water system of the County whose water service has a water pressure which equals or exceeds 80 pounds per square inch is required to install and maintain an adequate pressure reducing valve on the building site of the meter. No connection to the water system shall be made without installing the pressure reducing valve herein required, and in no event shall the County be responsible for any liability for damages which might result from the failure to install and maintain such pressure reducing valve.
- (b) The provisions of this section shall apply to existing as well as future construction.

26-26.10. Installation and maintenance of meters.

- (a) All meters or other measuring devices installed shall be under the control of the Director. The owner of the property upon which a measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at the owner's cost.

26-26.11. Damage and Right of Entry.

- a) Damaging public water and/or sewer system, defacing property. It shall be unlawful for any person maliciously, willfully, or negligently to break, damage, destroy, uncover, deface or tamper with the public water and/or sewer system. In addition to any other remedies available by law, such person shall indemnify the County for any damages or injury to the water and/or sewer system for its construction, maintenance or repair.
- b) Right of entry. The County Manager , County employees and County contractors may enter the property receiving any service described in this chapter to take meter readings or for purposes of examination, inspection or repair related to utility service, operation, or charges.

26-26.12. Maintenance of Meters. Property owners are prohibited from planting trees, plants, shrubs, or doing anything to obstruct the view of water meters. This includes parking vehicles or other equipment over water meters to prevent them from being read.

26-26.13. Unauthorized use of County water and sewer services and infrastructure.

- (a) It shall be unlawful for any person to willfully, with intent to injure or defraud, commit any of the following acts:
 - (1) Obstruct, alter, bypass, tamper with, injure or prevent the action of a meter or other instrument used to measure or register the quantity of water passing through such meter by a person other than an employee or authorized contractor of the County.
 - (2) Make any connection or reconnection with the water or sewer pipes of the County, turn on or off or in any manner interfere with any valve or other portion of the County water and sewer infrastructure, and connected with County services or other pipes, for any purpose without first procuring from the County a written permit to turn on or off such valve, pump, or other appliance, or to make such connection or reconnection, or to interfere with the valves, or other appliances of such, as the case may be.
 - (3) Retain possession of or refuse to deliver any meter or other appliance which may be leased or rented by any person, for the purpose of furnishing water through the same, or sell, lend or in any other manner dispose of the same to any person other than the County.
 - (4) Reconnect water or sewer connections or otherwise turn back on one or more of those utilities when they have been lawfully disconnected or turned off by the County.
- (b) Any meter found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the water consumed or which would cause the water to be diverted from the recording apparatus of the meter shall be prima facie evidence of an intent to violate and of the violation of this section by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted water.

Nothing in this section shall be construed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards and all County requirements.

26-26.14 Prohibition of water waste. No user shall:

- (1) Cause or allow run off of County water from landscape areas into adjoining impervious areas, adjacent property, or streets, sidewalks, gutters, stormwater drains, or other paved surfaces as a result of incorrectly directed or maintained sprinklers, irrigation systems, or other application devices, or excessive watering.
- (2) Cause or allow irrigation while precipitation is falling.
- (3) Knowingly allow water to escape through leaks, breaks or malfunction within the water users plumbing or distribution systems for any period of time beyond which such a leak or break should reasonably have been repaired or corrected. All leaks, breaks or malfunctions shall be corrected within thirty (30) days of identification of the source of the leak.
- (4) Willfully or negligently waste water in a manner not otherwise prohibited above.
- (5) The prohibitions listed in the subsection above do not apply to:
 - a. Water applied to prevent or abate health, safety, or other hazards when reasonable alternate methods are not available; and
 - b. Flow resulting from the inspection, operation, or maintenance of a public utility system.

26-26.15. Cross-connection.

- (1). State and federal requirements; implementation of program; standards.
 - (a) State and federal law. The County has established and will maintain a program to control potential sources of contamination of drinking water from cross-connections. The program shall, at a minimum, comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, the North Carolina State Building Code and regulations issued thereunder. The requirements of those laws and implementing regulations are incorporated into this article as minimum requirements.
 - (b) Administration. The County program shall address both containment and isolation of potential contamination resulting from cross-connections. It shall be administered by the department. The Director shall appoint a cross-connection control administrator who, along with the Director, is authorized to interpret this article and the standards, and enforce the program.
 - (c) Standards; approved backflow preventers. The department shall promulgate standards that promote the containment and isolation of potential contamination caused by cross-connections. The standards shall be considered requirements of this article and are incorporated herein. Among other things, the standards shall set forth the types of backflow preventers, and manufacturers and models that are approved for control of backflow from different types of cross-connections. Backflow preventers addressed in the standards shall include: air gap, pressure vacuum breaker, atmospheric vacuum breaker, and hose bibb vacuum breaker. The standards may also address all other activities necessary for operation of the County program, including installation,

maintenance, testing, repair, and permitting of backflow preventers; permitting of other activities; and qualifications of certified testers.

(2). Regulation of contamination and cross-connections; installation of backflow preventers.

No user shall allow contamination of the drinking water system. No user shall allow the creation or use of a cross-connection that is prohibited under this article. Users shall eliminate all unprotected cross-connections that are prohibited under this article. Users shall install one or more approved backflow preventers for those cross-connections requiring such backflow preventers under this article or with the time frames established under the standards. The user shall bear all responsibility and cost for the installation, testing, maintenance, repair, inspection, permitting, and replacement of backflow preventers required under this article and for all associate plumbing work.

(3) Water Connections.

Users that construct any residential or nonresidential building of any type shall include an approved backflow preventer of the type specified in the standards near the point of connection to the County drinking water supply system as set forth under the standards. Building plans for residential and nonresidential buildings that show the locations of plumbing connections, cross-connections, and uses within each building shall be submitted to the cross-connection control administrator and approved backflow preventers shall be installed as required under standards. The County may refuse water service and/or issuance of a certificate of compliance in the absence of compliance with these requirements, in addition to other remedies.

(4) Other cross-connections. Cross-connections with the County drinking water supply system not occurring at the point of water service or metering, and cross-connections internal to the user's drinking water supply system, require backflow preventers. These cross-connections and the approved backflow preventers for these cross-connections shall be described in the standards.

(6) Inspections; interference. The Director and employees designated as inspectors shall inspect properties served by the County water supply system on such schedule as set by the Director. As a condition of continuing water service, the inspectors shall have the right to enter at any reasonable time any property connected to the County drinking water supply system for the purpose of performing the duties of this article. Refusal of entry may result in termination of water service. No person shall interfere with an inspector in the performance of the activities authorized by this article.

(7) Installation; permits. Installation of backflow preventers shall be by persons with the appropriate licenses as required by the North Carolina State Building Code. The department may require permits for the installation, initial testing, and retesting of backflow preventers required under this article.

(8) Hazardous connections and uses. Any connection or use identified in the standards as requiring a backflow preventer is deemed hazardous. Any person that installs, repairs or inspects any plumbing line that serves a hazardous connection or that serves a facility that is

not equipped with required backflow preventers, shall immediately notify the cross-connection control administrator of such connections and uses. Users shall comply with the requirements of this article regardless of whether the connection or facility pre-existed the requirements of this article.

(9) Inspection and testing.

- (a) Annual testing. A user or permit-holder shall have all permitted backflow preventers inspected and tested annually on such schedule as may be required by the standards. The test shall be conducted by a certified tester. The certified tester, or the user if the certified tester fails to do so, shall report the results of the test to the cross-connection control administrator within fifteen (15) days of testing.
- (b) Other testing. Inspection and testing shall be conducted after installation or repair of any backflow preventer. Any person that installs, removes, or repairs a backflow preventer shall report such action to the cross-connection control administrator within fifteen (15) days of the action and the cross connection control administrator shall inform that person if additional inspection or testing is required. If the person who conducted the work fails to make such report within twenty (20) days of the inspection or testing, the user shall report this information to the administrator

(10) Certification and qualification of testers.

- (a) Certification; other qualifications. Testing of backflow preventer shall be approved by the department only if performed by a certified tester. The standards shall establish qualifications for certified testers, which shall include successful completion of a training program recognized by the department, as well as meeting performance standards relating to compliance with this article.
 - (b) Disqualification of certified tester. The department may disqualify a certified tester for failure to meet the qualifications established by the department. The department shall provide written notice to the certified tester, mailed to the address the certified tester has provided to the department, setting forth the reason for disqualification. Disqualification shall be effective three (3) days after such mailing. The department shall also give either fax or email notice to the certified tester if the tester has provided a fax or email address. The department shall provide an opportunity for a certified tester who has been disqualified to obtain reconsideration by the Director or Director's designee upon written request received no later than ten (10) days following the effective date of disqualification
- (11) Notice to user of need for action or violation. Upon identification for the potential for contamination or a hazard to the County drinking water supply system, or a failure to comply with any requirements of this article, the Director shall notify, by first-class mail, the owner of record of the property at which the potential contamination or hazard exists, of the location and nature of the potential contamination or hazard, the number of the applicable section of this article, and the order of the cross- connection control administrator regarding action to be taken. Notice shall be deemed received three (3) days after mailing, the cross-connection control administrator shall among other things,

determine if an imminent danger to the drinking water supply or to public health exists, which determination shall impact deadlines for compliance as described in (14). The Director may issue any follow-up orders he/she deems necessary, including orders for testing and other actions related to compliance.

- (12) Violation. A person who fails to comply with this article, or with any order, certificate, or permit issued hereunder, or who installs or alters a plumbing system in nonconformance with approval specifications or plans that address cross-connections or backflow preventers regulated under this article, shall be in violation of this article.
- (13) Inspection and testing by County. The County may inspect and test any backflow preventer where an approved inspection or testing has not been performed as required under this article, written notice has been given to the user, and the user has not provided the approved inspection or testing within the deadline provided in the notice. The County fee for County inspection and testing, plus an administrative fee set by the Board of County Commissioners, may be added to the user's utility bill.

(14) User Responsibilities.

- (a) Compliance deadlines. A user that has received notice as described above shall comply with the order of the Director. If the order is to install an approved backflow preventer or remove a cross-connection, and an imminent danger to the drinking water supply or to the public health does not exist, the user shall take such action within ninety (90) days from the date notification is deemed received as described in section (11). If the Director has determined that an imminent danger to the drinking water supply or to public health exists the Director may order a shorter time for action. In cases that do not present an imminent danger or danger to public health, the administrator may extend the time for compliance for up to an additional ninety (90) days if compliance efforts are underway and continuing, and the existence of a hardship or special circumstances can be demonstrated. The extension shall only be valid if in writing and signed by the Director.
- (b) Failure to comply. A user that fails to comply with an order issued by the Director, or with the deadlines described in subsection (a) above, shall be in violation of this article.

(15) Discontinuance of service for violations.

- (a) Procedure. The department may discontinue water services to any structure or parcel for a violation of this article. Prior to discontinuing water service, the Director will give written notice to the customer as shown on the revenue billing roll and to the owner, occupant, or other person in apparent control of the structure or parcel. The Director is not required to provide written notice prior to discontinuing irrigation water service.
- (b) Service restoration. When service is discontinued as described in subsection (a), it shall not be reinstated until the cross connection control administrator determines that appropriate steps have been taken to comply with the article and alleviate any risk to the drinking water system. Prior to restoration, all fees required by the department for restoration of water service shall be paid, in addition to any final civil penalties assessed as described in section 15.

(c) No liability. The County shall bear no liability for damage resulting from the discontinuance of service pursuant to this section.

(16) No County Liability. The provisions of this article shall not create any liability for the County for failure to detect any cross-connection, malfunctioning backflow preventer, hazard, or contamination of the drinking water supply.

(17) Fees. Fees for the activities authorized under this article, including fees for manuals, permits, inspections, re-inspections, testing, training classes, and certifications of testers will be established by the Board of County Commissioners.

26-26.15. Payment of charges for meter installation and water and sewer connections; service agreements. The charges for the installation of meters, water connections and sewer connections shall be paid in full to the designated representative of the County before the connection shall be made. The owner or the owner's authorized agent shall sign a service agreement in person when making payment for water and sewer connections. However, where the installation of meters, water connections and sewer connections has been paid for by federal block grant funds, such installation will be made without charge.

26-26.16. When use of County water facilities required; abandonment of private facilities; County water connection application, procedure and charges.

- (a) The owner of any property served by a private water line which is located within a public street or right-of-way within the County, which property so served has frontage on such public street or right-of-way where in there is located a County water main, may be required to abandon and discontinue the use of the private water line and connect his or her premises to the County water main.
- (b) Such property owner shall make application and pay for the new connection within thirty (30) days after being notified to do so by the Director, after the County water main is available for connection. Upon completion of the installation of the water lateral from the water main to the property line, the owner of the premises shall have an additional thirty (30) days within which to connect his or her premises to the lateral and abandon and discontinue the use of the private water line. If either the application for such new connection or the connection itself is not made within the time period hereinabove provided, the County shall cease to furnish water services to such premises through the private water line.
- (c) The charge for making the connection to the County water main shall be the prevailing fixed charged for the size of water services desired, less the cost of setting a meter of the size requested, as set forth in the rate schedule and less a charge set by the Board of County Commissioners for salvageable hardware, in addition, the property owner shall be required to pay any outstanding charges that may be applicable for such service.

26-26.17. Payment of capital recovery charges prerequisite to connection with water and sewer mains.

Water and sewer capital recovery fees with regard to new services shall be as prescribed by the Board of County Commissioners. These charges do not apply to water mains and sewer mains which are installed with federal block grant funds. When water mains or sewer mains are installed with block grant funds received from the federal government, no special assessment charges are to be levied against the property benefited thereby. Assessments for future repair and rehabilitation of these mains may be levied against the properties.

26-26.18. Resale of water.

No water and/or sewer customers shall supply or resell water and/or sewer service from the public water and/or sewer system. Notwithstanding this prohibition owners of apartment structures where sub-meters have been installed may charge tenants for water and/or sewer service for the purpose of fairly allocating the cost of such service to each dwelling unit subject to the conditions set forth below:

- (1) The rate charged shall be no greater than that charged by the County. Any administrative or service charge billed by the County may be apportioned among the tenant bills. Additional apartment owner service or administrative charges may be added to the amount billed by the County in accordance with N.C. Utilities Commission regulations;
- (2) The owner shall be in compliance with all the regulations of the County and other governmental agencies which may have jurisdiction, including, but not limited to, the N.C. Public Utilities Commission and the N.C. Division of Environmental Health;
- (3) The owner shall notify the Director in writing that the structure will be sub-metered and indicate the expected date of the initial billing of tenants;
- (4) The billing cycle shall coincide with the County's billing cycle. The owners shall maintain the following records on the site for inspection during reasonable business hours by the Director or his or her designee and the tenant:
 - a. The billing from the County to the owner for the current month and the 12 preceding months;
 - b. The calculation of the average cost per 100 cubic feet or per 1,000 gallons for the current month and the 12 preceding months;
 - c. All sub-meter reading and tenant billings for the current month and the 12 preceding months;
 - d. All sub-meter test results for the current month and the 12 preceding months.
- (5) All rental agreements between the owner and the tenants shall clearly state that the dwelling unit is sub-metered, that bills will be issued based on such metered charges, that water and/or sewer charges based on water consumption for all common areas and common facilities will be the responsibility of the owner and not the tenant, and that any dispute relating to the computation of the tenant's bill and the accuracy of the sub-metering device will be between the tenant and the owner;
- (6) The owner shall not terminate the tenant's water and /or sewer service for failure to pay the water and/or sewer bill.

26-26.19. Deposits and fees for water service.

- (a) The following deposits are required:
- (1) Domestic customers of water, opening accounts after the effective date of the ordinance from which this section is derived, shall make a deposit in the amount set forth by Board of County Commissioners from time to time. Residential customers may make the deposit payment over a two-month period. However, residential customers shall be exempt from deposits requirements of this subsection if they provide an acceptable letter of credit from their previous utility provider or if they currently have service with the County and have had no cutoff/past due amounts in the past two years or other suitable credit reference acceptable to the Director.
 - (2) Domestic water customers who have water service discontinued due to failure to make payment shall not be provided again with water service unless the account holder makes an additional deposit of \$50.00 for each disconnection for nonpayment, not to exceed a total deposit amount per account of \$200.00. Such deposit shall be in addition to previous deposits, and applicable cut-off and reconnection (cut-on) charges. All applicable charges shall be required to be paid before water services shall again be furnished to the premises in question, unless payment arrangements agreeable to the Director or designee are made.
 - (3) For all other accounts, a deposit depending on the size of the meter is required unless waived at the discretion of the Director. A schedule of such deposit amounts shall be set by the Board of County Commissioners.
 - (4) A deposit not in excess of the amount set forth by Board of County Commissioners from time to time is required for the temporary use of water from fire hydrants, the amount of the deposit, its use, and the proportion to be returned shall be as provided by departmental policy.
- (b) The deposits required by this section to be paid to the County shall be without liability on the part of the County for profit or interest.
- (c) The deposits heretofore or hereafter made shall be used for the purpose of ensuring the payment of water bills and to secure the County against any loss that might be incurred in furnishing water or services such account, and such deposit shall be refunded if the County finds that the customer has had no disconnections or past due accounts within a two-year period. The County may, at its option, apply the deposit, or any portion thereof, to the payment of indebtedness which may accrue against the depositor or premises for and on account of which the deposit is made.

26-26.20. Correction of billing errors. Adjustments shall be made to correct clerical and/or computer errors. If a customer is incorrectly billed, or not billed, or bill is sent to the wrong party, the County may back bill the customer for the lesser of the actual period or a four-year period for water charges and a three-year period for other utility charges. Similarly, in the event customers are charged for services not received, a credit adjustment will be allowed only for amount paid by the customer for charges incurred within the prior four year for water and three years for other utility charges. Customers with complaints about the accuracy of error corrections are entitled to a review as provided in Section 26-26.22.

26-26.21. Payment of water and sewer bills.

- (a) All bills due the County for water and sewer services shall be payable within twenty-one (21) days after the date of issue. All bills not satisfied within twenty-one (21) days after the date of issue shall be charged interest thereafter at a rate of one percent per month. If any bill remains unpaid for a period of fourteen (14) days after the bill for the next period has been issued, the entire amount of the then outstanding amount (including both months) shall immediately become due and payable and the County shall send a notice of such to the delinquent customer. If the entire amount of the outstanding amount is not paid within seven (7) days of the issuance of this notice the service shall be terminated.
- (b) A charge shall be made to defray the County's cost of making a visit to the location of the customer's service for the purpose of enforcing payment of bills or for restoring service. For the purpose of this section, such a charge shall be termed a "service charge." The service charge shall be set by the Board of County Commissioners from time to time. For sewer only accounts a service charge shall be set by the Board of County Commissioners from time to time for an actual discontinuation/reestablishment of sewer service is necessary. No service charge shall be made if the visit results from administrative error by County employees.
- (c) The County may extract a water meter or water meter yoke at the discretion of the Director in order to enforce the payment of delinquent amounts. Such extractions shall be made if the account has demonstrated a history of attempted payment by worthless check, repeated disconnection for nonpayment, or similar occurrence. The County may also extract a water meter and/or water meter yoke at the discretion of the Director where there has been an unauthorized connection or reconnection of water service, whether by an unauthorized turn-on of the meter or by use of an unauthorized meter or other unauthorized device. In the event of an extraction, the customer shall be charged the service charge as set by the Board of County Commissioners and an additional charge as set by the Board of County Commissioners for extraction of the water meter. An additional charge as set by the Board of County Commissioners shall be made for extraction of the water meter yoke to defray the County's cost, when necessary. In the event that the extraction of a water meter and water meter yoke are circumvented through unauthorized means, the service may be crimped, removed or otherwise discontinued. When discontinuance of service by crimping or removal is necessary, the customer shall be charged all above charges and an additional charge as set by the Board of County Commissioners to defray the cost of restoration of the services.

The County may install a valve and cleanout at the lateral of sewer customers in order to disconnect and/or discontinue sewer service at a sewer only account to enforce the payment of delinquent accounts. Such installations shall be made if the account has demonstrated a history of attempted payment by worthless check, repeated nonpayment, or similar occurrence. In the event such an installation is done, the customer shall be charged the fee as set by the Board of County Commissioners and an additional charges as set by the Board of County Commissioners for installation of the valve and cleanout. When discontinuance of service by installation of a valve and cleanout has occurred and the customer request restoration of service, the customer shall be charged all above charges and an additional charge as set by the Board of County Commissioners for restoration of services.

- (d) The County may engage collection agencies, at the discretion of the Director, in order to enforce the payment of delinquent accounts. The consumer shall be obligated to pay all cost associated with third-party collection efforts prior to having service resumed at the same location or a new location.
- (e) The Director shall have authority to establish administrative procedures for short-term credit extensions where there is a documented short-term inability to pay.
- (f) No customer with a delinquent account may open a new account at another location until the delinquency has been satisfied.
- (g) A service charge shall be set by the Board of County Commissioners from time to time to defray the County's cost of making a visit to the location of the customer's service for the purpose of an on-site inspection to check the meter, check for evidence of leaking pipes, or look for malfunctions in the plumbing inside the structure receiving service. No service charge shall be assessed if the visit is in connection with a service charged for under another section of this chapter unless an additional visit is required due to a customer's action or failure to act such as when a fixture is left open at an unoccupied premise when a meter is turned on which requires a return visit after the condition is corrected. No service charge shall be made if the visit results from error by County employees or if the visit reveals a leak from or damage to County infrastructure. No service charge shall be assessed to investigate an issue with sewer service or for an issue with clearly visible water leakage.
- (h) Water connection fixed costs with regard to new, existing, and to services without meters shall be as prescribed by the Board of County Commissioners.

The Director may establish administrative policies and procedures under which a standard credit not to exceed an amount set by the Board of County Commissioners may be granted in the event that water or sewer service is erroneously terminated by the County. This authority is not a guarantee of uninterrupted service, or an admission that the County is responsible for any damages associated with loss of service, nor does it require the Director to establish or continue such a policy.

26-26.22. Notice and Hearing

- (a) The Director may designate a subordinate employee to hear and investigate customer complaints concerning overcharges, charges for services not rendered or other billing errors. The Director is authorized to review disputed bills and to correct any errors which may appear therein.
- (b) The Director shall notify water and sewer customers whose service may be terminated that the amount shown as due on any such customers' bill may be questioned by discussing such bill with a designate official who is authorized to correct billing errors. The notice shall include the phone number, office hours and office location of the designate official. The notice may be given by mail, by notice enclosed with a bill, by notice printed on a bill or by similar means.

Neither water service nor sewer service shall be terminated for failure to pay a water or sewer bill until seven (7) days after the notice required by this section has been mailed

26-26.21. Refunds or damages for failure of water service. No person shall be entitled to damages nor to have any portion of a payment refund for any failure of water service due to any necessary construction or repairs.

26-26.22. Vacancy of premises procedure. When premises are vacant for not less than thirty (30)days, no water and/or sewer bill shall be rendered for such period; provided, that written notice is given in advance to the customer service supervisor, of the date of vacancy and of re-occupancy, and the water is turned off during such period of vacancy. A charge as set by Board of County Commissioners shall be made for turning the water off and on when water service is restored during the regular working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. If the customer requests that water service be turned on after regular working hours on County work days, on Saturday or Sunday or on a holiday, the charge shall be as set by Board of County Commissioners.

26-26.23. Adjustment of bills inequitable or abnormal due to unavoidable waste. The Director may adjust and settle inequitable and abnormal water or sewer bills due to unavoidable waste.

26-26.24. Bill records for water and sewer services. The County shall maintain billing records for water and sewer services for a period of one year, unless a longer period is required by law. Adjustments to water and sewer bills will be based on the availability of records.

26-26.25. Service Initiation fees. All customers of water, opening an account, will be billed a service initiation fee in an amount set by Board of County Commissioners for the administrative and service cost of setting up water accounts. These charges shall appear on the first bill sent to the customer.

26-26.26. Water Main Extensions. Water main extensions shall be designed and installed to the standards of the existing water main, for parts commonality. Water system capacity shall be considered as part of the water main extension review process. Water main extensions are subject to the approval of the Board of County Commissioners after approval of DEQ.

26-26.27. Enforcement

- (a) Any violation of this ordinance shall be a Class III misdemeanor punishable by a maximum fine of \$500 per day per violation. Each day's continuing violation is a separate and distinct offense.
- (b) A violation of any provision of this ordinance which is also a criminal violation under State law may be prosecuted under the State law.
- (c) This section may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction. Violation of this section is hereby declared to be, and result in, an unlawful condition upon and use made of real property; accordingly, this section may also be enforced by injunction and order or abatement.
- (d) A civil penalty may be added to a user's water bill, and water service may be terminated for non-payment.