

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

Section

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§ 50.01 INTENT.

(A) It is the intent of the town to set forth rules and regulations for the orderly collections of solid waste. The aim is to cover any and all aspects of the collection and disposal of solid waste.

(B) The town reserves the right to make any decision not covered by this chapter.

(C) All rules and regulations of the county and the state will be observed.
(1994 Code, § 50.01)

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§ 50.02 DEFINITIONS.

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

GARBAGE. All putrescible waste, including animal and vegetable matter and recognizable industrial byproducts. **GARBAGE** excludes sewage and human wastes.

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LITTER. Refuse and all other waste materials which, if thrown or deposited on any premises, vacant lot, street, or sidewalk, tends to create a danger to public health and safety or any unsightly appearance.

Pickup

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REFUSE. All non-putrescible wastes.
(1994 Code, § 50.02)

§ 50.03 DEPOSITING GARBAGE IN STREETS, LOTS, AND THE LIKE PROHIBITED; ACCUMULATION OF GARBAGE.

(A) It shall be unlawful for any person to throw or sweep into any street or public place of the town any garbage or refuse or to scatter any matter on any premises or vacant lot of his or her own or that of another than as set forth in this chapter.

(B) No garbage that has become decayed or that otherwise shall be a menace to health or cleanliness shall be allowed to remain in any residence, business, or industry or any premises for a longer time than shall be reasonably necessary to remove or deposit it in a proper receptacle.

(1994 Code, § 50.03) Penalty, see § 50.99

§ 50.04 LANDFILLS.

(A) It shall be permissible for dirt, rocks, brick, concrete, leaves, and small limbs to be used for landfills. Garbage is not permitted for that use, nor is material or an offensive or unsightly nature.

(B) The owner is responsible for keeping the site in a neat and orderly manner.

(1994 Code, § 50.04) Penalty, see § 50.99

§ 50.05 LITTER FROM VEHICLES; SPILLING OF VEHICLE LOADS.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any private property or upon any street or other public place within the town. No person shall drive or move any truck or other vehicle within the town unless it is constructed or loaded so as to prevent any load of dirt, litter, or other matter being spilled therefrom or deposited upon any street or other public or private place.

(1994 Code, § 50.05) Penalty, see § 50.99

§ 50.06 UNLAWFUL CONDITIONS ON PRIVATE PROPERTY.

(A) *Unlawful conditions enumerated.* The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(1) Any weeds or other vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants;

(2) Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;

(3) Accumulation in an open place of hazardous or toxic materials and chemicals;

(4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;

(5) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health;

(6) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(7) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items;

(8) Any condition detrimental to the public health which violates the rules and regulations of the Catawba or Burke County Health Departments;

(9) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Manager or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

(10) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water;

(10a) Drainage issues on private property. The town shall not engage in the repair, maintenance, modification, or correction of any drainage issues on private property unless it is determined by the Town Administrator, or his designee, that either:

(a) Conditions existing on town property, town streets or roads, or other public property (collectively "town assets") require action by the town on private property in order to alleviate and/or remedy the conditions existing, or

(b) That the repair, maintenance, modification, or correction of the drainage issues on private property is necessary for the protection of town assets or the general public; and/or

(11) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(B) When any condition in violation of this section is found to exist, the housing inspector or such persons as may be designated by the Town Manager, or the Town Manager, himself or herself, shall give notice to the owner of the premises to abate or remove such conditions within 10 days. The notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this section. Service of the notice shall be by any one of the following methods.

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner.

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon.

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served as described in divisions (B)(1) and (2).

(C) If the owner of any property fails to comply with a notice given pursuant to this section, within 10 days after the service of the notice, he or she shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Manager may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(D) The procedure set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this section shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this section as provided in G.S. § 14-4. (1994 Code, § 50.06) (Ord. passed 9-4-1990; Am. Ord. passed 9-8-2008; Am. Ord. CO-04-2014, passed 12-8-2014) Penalty, see § 50.99

§ 50.07 STORAGE OF GARBAGE RECEPTACLES.

(A) All garbage receptacles shall be stored in the rear yard or the side yard of the lot (as defined in the Town of Long View Zoning Ordinance) except for that 48-hour period beginning 24 hours before 6:00 a.m. on the garbage pickup day for the lot (as determined by the town) and ending 24 hours after 6:00 a.m. of the garbage pickup day for the lot.

(B) This section is not intended to be a zoning ordinance.

(C) This section shall be effective 10-1-2000. (Ord. 10-2000, passed 9-5-2000)

OUTDOOR STORAGE

§ 50.10 GENERAL PROVISIONS.

(A) *Construction material.* It shall be unlawful to allow outside storage of construction material, unless located on a construction site and stored in a manner to protect and prevent deterioration or is stored for the duration of a valid building permit.

(B) *Firewood.* It shall be unlawful to have firewood on premises, unless it is evenly piled or stacked in a rear or side yard so that materials will not afford a harborage for rodents, snakes or other vermin.

(C) *Indoor upholstered furniture.* It shall be unlawful to store any indoor upholstered furniture outside, except when said indoor upholstered furniture is placed at the curb on the customary collection day for it to be removed as part of the town's waste removal service, or when said indoor upholstered furniture is placed outdoors as part of a garage sale.

(D) *Laundry.* It shall be unlawful to hang laundry including, without limitation, clothes, sheets, blankets and towels at any location within a front yard. Said laundry may be hung on a wire, or similar apparatus in a rear or side yard, that is elevated and secured at one or both ends by a post, structure or tree.

(E) *Storage of machinery.* It shall be unlawful to store, maintain or leave as outside storage worn out, wrecked, abandoned or inoperable machinery such as; but not limited to; tractors, lawnmowers, bicycles or any parts thereof unless items are placed at the curb on the customary collection day to be removed as part of the town's waste removal service.

(F) *Unenclosed structure.* Outside storage shall be prohibited in open or unenclosed structures, unless such structures are wholly located in a rear or side yard and all items are in enclosed bins, receptacles, properly stacked or bundled and otherwise in compliance with other provisions of this chapter.

(G) *White goods.* It shall be unlawful to allow with goods and similar appliances or appliance parts not specifically designed and manufactured for outdoor use to be discarded, abandoned or stored on premises unless white goods are placed at the curb on the customary collection day to be removed as part of the town's waste removal service. (Ord. passed 5-12-2008)

§ 50.11 DEFINITIONS.

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

FIREWOOD. Logs or kindling material that have more wood than rot, not exceeding 24 inches in length and suitable for use in a fireplace or other wood-burning appliance. **FIREWOOD** shall not include pressure treated lumber of any type, wood framing components of any size or glue laminated lumbar components.

INDOOR UPHOLSTERED FURNITURE. Any furniture not manufactured for outdoor use, including but not limited to upholstered chairs and couches.

OUTSIDE STORAGE. The placing, keeping, using, maintaining or leaving of items customarily associated with the residential use of a dwelling, including, but not limited to, machinery, clothing, firewood, vehicle parts and tires, construction or demolition debris, indoor upholstered furniture, shopping carts or other similar personal property or fixtures in unenclosed structures or areas exposed to precipitation.

UNENCLOSED STRUCTURE. An area not totally surrounded with a combination of walls, windows, doors, floor and roof, such as carports, garages with no doors, porches, decks, patios, rooftops and balconies.

WHITE GOODS. Appliances, including stoves washers, dryers, refrigerators, freezers, water heaters, air conditioners, dehumidifiers and any appliance commonly used for house purposes. (Ord. passed 5-12-2008)

ADMINISTRATION AND ENFORCEMENT

§ 50.20 NOTICE FROM TOWN ADMINISTRATOR.

The Town Administrator, upon notice of any person to the existence of any of the conditions described in § 50.06, shall cause to be made by the appropriate County Health Department official or

town official an investigation as may be necessary to determine whether the conditions exist as shall constitute a public nuisance. Upon a determination the conditions do exist, the Administrator shall notify the owner, occupant, or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

(1994 Code, § 50.15)

§ 50.21 FAILURE TO COMPLY.

Any person who fails to comply with the order of the Town Administrator within 15 days after the receipt of the order shall be subject to criminal prosecution and shall be subject to having the town abate the nuisance and charging the actual cost of the abatement to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(1994 Code, § 50.16) Penalty, see § 50.99

§ 50.22 CHARGES AGAINST PROPERTY TO CONSTITUTE LIEN.

In the event the charges mentioned in § 50.21 have not been paid within 30 days after the receipt of the statement of the charges as provided in that section, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes as provided by G.S. § 160A-193.

(1994 Code, § 50.17)

§ 50.23 PROVISIONS SUPPLEMENTAL.

(A) The procedures set forth in this subchapter shall be in addition to any other remedy that now or hereafter may exist under the law for the abatement of public nuisances.

(B) The procedures provided by this subchapter in no way shall constitute a waiver of the right of the town to proceed in criminal action against those persons creating public nuisances. (1994 Code, § 50.18)

preparation shall be picked up or removed by the town; it shall be the sole responsibility of the professional tree trimmer or contractor to remove the garbage. (1994 Code, § 50.31) (Ord. passed --) Penalty, see § 50.99

PICKUP

§ 50.35 RESPONSIBILITY OF TOWN.

The town shall be responsible for picking up garbage and all junk items at non-commercial properties if it is placed along the curb of an accessible street, provided the garbage is placed in proper containers or in bulk that can be easily handled by town employees or contractors. All small items shall be placed in containers. All commercial properties, mobile home parks and apartment buildings with more than 6 units shall be required to place their garbage and junk items in dumpsters at all times and work out arrangements for pickup with a private contractor. (1994 Code, § 50.30) (Ord. passed - -; Am. Ord. passed - -; Am. Ord. passed 10-8-2007)

§ 50.37 REGULATING DANGEROUS, INJURIOUS, UNHEALTHY MATTER ON STREETS OR SIDEWALKS.

(A) It shall be unlawful to spill, pour, place, deposit, or allow to drip, fall or run upon the pavement or sidewalk of any street, alley or other public place in the town any brine, chemical, oil, grease, liquid or substance which tends to disintegrate the pavement or make it slippery or otherwise dangerous for pedestrians, horses or vehicles.

(B) It shall be unlawful for any person to throw, cast, place or deposit on any sidewalk or crossing, in any street or public place in the town, any portion or part of any fruit, vegetable or other substance which, when stepped upon by any person, is liable to cause such person to slip or fall.

§ 50.36 TREE AND SHRUB TRIMMINGS AND THE LIKE.

(A) Tree, shrubbery, or other trimmings shall be picked up as garbage if they are placed in proper containers. All other trimmings shall be picked up only by special request of the owner, and provided they are placed next to but not in the street, so as they are reasonably accessible and not more than 6 feet in length.

(C) No person shall throw or deposit upon any highway or street within the town any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle.

(B) No trimmings, grubblings, or scrapings of trees, underbrush, garbage, rubbish, or shrubbery made by professional contractors or tree trimmers in the trimming of trees or the clearing of land or site

(D) Any person who drops, or permits to be dropped or thrown, upon any highway or street any destructive or injurious material shall immediately remove the same or cause it to be removed.

(E) Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway or street from such vehicle.

(F) It shall be unlawful to throw, spill, place or deposit in or upon any street, highway, alley,

sidewalk, park or other public place any dirt, filth, shells, garbage, vegetables, dead carcasses, sewage, slops, excrement, compost, stable manure, ashes, soot, tin cans, rags, waste paper, leaves, brush, weeds, grass, hay, excelsior, shavings, barrels, crates, boxes, litter, or loose combustible material, materials subject to be carried by the wind, or unwholesome, noxious to the smell, or putrescible matter of any kind.

(G) Any violation of this section shall be a misdemeanor punishable under G.S § 14-4. (Ord. CO-01-2013, passed 8-12-2013)

(C) Any person who shall violate § 50.05 shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned for not more than 30 days.

(G.S. § 14-4(a)) (1994 Code, § 50.99)

(D) A violation of § 50.07 may result in a civil penalty or criminal prosecution all as set forth in § 10.99 of the Town of Long View Code of Ordinances.

(Ord. 10-2000, passed 9-5-2000)

§ 50.99 PENALTY.

(A) (1) Any violation of any provision of this chapter for which another penalty is not otherwise provided shall subject the violator to a civil penalty in the sum of not more than \$500 per day.

(a) A citation for the civil penalty shall be issued by the Code Enforcement Officer.

(b) Each citation for a civil penalty must be paid within 120 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(3) The town may also, and in addition, seek any and all appropriate equitable remedies, injunctions, and/or abatement orders from the appropriate court of competent jurisdiction. (1994 Code, § 50.99)

(B) A violation of § 50.03 constitutes a misdemeanor with a fine not to exceed \$500; a civil penalty may also be imposed. (Ord. 3-96, passed 5-7-1996)

CHAPTER 51: WATER AND SEWERS

Section

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GENERAL PROVISIONS

§ 51.01 ASSENT OF ALDERPERSONS REQUIRED FOR INSTALLATION AND OTHER WORK TO WATER AND SEWER LINES.

No water lines or sewer lines shall be installed by the town, nor shall any funds be spent for them, until a majority of the members of the Board of Alderpersons shall have assented thereto by appropriate action of the Board, either at a regular meeting or at a special meeting of the Board. (1994 Code, § 51.01) (Ord. passed 11-4-1958)

§ 51.02 DEFINITIONS.

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

APPROVING AUTHORITY. The Town Administrator.

B.O.D. Biochemical oxygen demand. The quantity of oxygen in the biochemical oxidation of organic matter as measured by standard laboratory methods, as set out herein, expressed in mg/l.

C.O.D. Chemical oxygen demand. The quantity of equivalent oxygen used in the chemical oxidation of organic matter, as measured by standard laboratory methods, as set forth herein, expressed in mg/l.

COLOR. The true color, due to substances in solution which cause any variation in the hue of the receiving stream.

DEPARTMENT. Public Utilities Department of the town.

DIRECTOR. Director of Public Utilities.

DOMESTIC SEWAGE. Water-carried wastes from bathrooms, kitchens, and home laundries.

EXCESSIVE RADIATION DOSE. A dose of radiation in excess of the maximum permissible dose. See **MAXIMUM PERMISSIBLE DOSE.**

GARBAGE. Solid wastes from the preparation, cooking, and dispensing of food that has been shredded to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 3/4 inch in any dimension.

GRAVITY SEWER. An underground carriage system specifically for transporting sewage in which flow occurs under natural pressure due to gravity.

INDUSTRIAL WASTES. The water-carried wastes from institutional, commercial, and industrial processes and operations, as distinct from domestic sewage.

I.O.D. Immediate oxygen demand. The quantity of oxygen used by an industrial waste in excess of that normally attributable to sewage, as measured by using standard laboratory methods. **I.O.D.** is expressed in mg/l.

MAXIMUM PERMISSIBLE DOSE.

(1) A dose of radiation to any part of the body, internal, external, or both, that in the light of present knowledge is not expected to cause appreciable bodily injury to a person at any time during his or her lifetime.

(2) See **EXCESSIVE RADIATION DOSE.**

mg/l. Milligrams per liter.

PATRON. Any person receiving, upon premises occupied by him or her, the benefit of the town's water and sewer service

pH. The logarithm, base 10, of the reciprocal of the hydrogen ion concentration. **pH** indicates the degree of acidity or alkalinity of a substance. A **pH** value of 7.0 is neutral, above 7.0 is alkaline, and below 7.0 is acid.

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

SEWAGE. A combination of the water-carried wastes from residences, business building, institutions, and industrial establishments.

SEWER MAIN. Any sewer line from which run service lateral sewer pipes.

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

WATER MAIN. Any water supply line from which runs service lateral water pipes. (1994 Code, § 51.02) (Ord. passed 2-2-1982; Am. Ord. CO-02-2014, passed 11-10-2014)

§ 51.03 SYSTEMS TO BE OPERATED AS SINGLE UNIT.

The water and sewer systems of the town shall be operated as a unit, which shall be designated as the Public Utilities Department. (1994 Code, § 51.03)

§ 51.04 TOWN ADMINISTRATOR TO BE CHIEF EXECUTIVE.

(A) *Generally.* The chief executive of the Public Utilities Department shall be the Town Administrator.

(B) Powers and duties.

(1) The Town Administrator shall:

(a) See that all charges for water and sewer services are correctly made and promptly collected;

(b) Keep an accurate record of the Department's receipts and disbursements;

(c) Enforce all provisions of this code and any other ordinances, rules and regulations adopted by the Board of Alderpersons in so far as they apply to the Public Utilities Department; and

(d) Require the Director of Public Utilities to perform efficiently the duties of this position.

(2) The Town Administrator shall, from time to time, submit reports to the Board of Alderpersons covering the operations of the Public Utilities Department, its receipts and disbursements, and the efficiency of the operation of the same. (1994 Code, § 51.04)

§ 51.05 PERMITS; CONNECTIONS TO WATER SYSTEM.

(A) No person shall make any connection to the town's water system or in any way take water for his or her or another's use from any town water line, without first applying for and receiving a permit from the Town Administrator, unless the taking is through a spigot legally in use on the premises of a person who has obtained a permit.

(B) No person shall make any sewer connection for his or her or another's use without first applying for and receiving a permit from the Town Administrator.

(C) Any person desiring a water and sewer connection made so as to receive water and sewer services shall file with the Town Administrator an application in writing, approved by the Director, and shall pay the fees required.

(1994 Code, § 51.05) Penalty, see § 51.99

§ 51.06 MANDATORY CONNECTIONS.

(A) Each person owning a lot and building in the town, which lot abuts or adjoins a street or alley along which are a water main and a public sewer line, shall make water and sewer connections with his or her premises. No person shall be required to construct connecting lines across the private property of another or to construct connecting lines of more than 200 feet in length.

(B) Within 30 days after any water or sewer main is completed and ready for use, the owner of every abutting lot whereon water is supplied from other sources for human use shall cause the lot to be connected with the water or sewer main; provided, that the town shall notify the property owner in writing of the installation of the main. Residential property owners with drilled, properly capped wells that meet the standards of the State Board of Health are exempt from a mandatory connection for water. Commercial and business property owners with drilled, properly capped wells that meet the standards of the State Board of Health are exempt from a mandatory connection for water but must pay a tap fee for the well to meter the flow for sewer service charges.

(C) In the event of a broad and general annexation to the town, the 30-day period referred to in division (B) above shall be increased to 12 months. (1994 Code, § 51.06) Penalty, see § 51.99

Statutory reference:

Authority of town to require water and sewer connection, see G.S. § 160A-317

§ 51.07 TOWN TO TAP LINES AND EXTEND SERVICE PIPES TO CURBING.

The town reserves the exclusive right of tapping the water mains and sewer lines for all connections and of extending all service pipes to the nearest curbing.

(1994 Code, § 51.07)

§ 51.08 CONSTRUCTION OF SERVICE PIPES ACROSS PRIVATE PROPERTY.

Water and sewer service pipes shall not be constructed across the private property of 1 person for the purpose of providing water and sewer services to another person, without first obtaining a written instrument conveying to the town a perpetual right-of-way for the construction, repair, and maintenance of the service line.

(1994 Code, § 51.08) Penalty, see § 51.99

§ 51.09 CURB BOX AND CURB COCK; TURNING WATER ON OR OFF AT CURB COCK.

A curb box shall be placed over a curb cock, which shall be under the exclusive control of the town. No person shall turn the water on or off at the curb cock, except the Director of Public Utilities or some employee of the town acting under the express orders of the Director.

(1994 Code, § 51.09) Penalty, see § 51.99

§ 51.10 LOCATION AND OWNERSHIP OF WATER METERS.

Each residence, building, manufacturing plant, or other place where town water is used shall have at least 1 water meter, the location of which may be changed from time to time as the Director may direct. The water meter shall remain the property of and be under the exclusive control of the town.

(1994 Code, § 51.10) Penalty, see § 51.99

**§ 51.11 DISPOSITION OF PRIVIES AND
UNUSED WELLS AFTER WATER AND
SEWER CONNECTIONS.**

Within 30 days after a sewer connection is made, any pit privy, after being cleaned, shall be fixed with clean, compacted earth to the level of the ground surface. Within 30 days after a water connection is made, any open, dug, bored, or drilled shall be filled with clean, compacted earth to the level of the ground surface.

(1994 Code, § 51.11) Penalty, see § 51.99

**§ 51.12 USE OF PRIVATE WELL IN
ADDITION TO TOWN WATER.**

If a property owner wishes to maintain a well in addition to a town tap, he or she must register the same and have the installation approved by the Public Utilities Department. No direct connection will be allowed between the town supply and the well.

(1994 Code, § 51.12) Penalty, see § 51.99

§ 51.13 INSPECTION AND APPROVAL OF PLUMBING PREREQUISITE TO SERVICE.

Water shall not be supplied to any premises, nor shall the use of a sewer connection be permitted, until all plumbing has been inspected and approved by the Director.

(1994 Code, § 51.13) Penalty, see § 51.99

§ 51.14 SHUTTING OFF WATER IN CASE OF ACCIDENT, MAKING CONNECTIONS, REPAIRS, AND THE LIKE.

The town reserves the right at any time to shut off the water in the mains in the case of accident or for the purpose of making connections, alterations, or repairs, and it shall be the duty of the Director of Public Utilities to give 1-hour's notice, if possible, to all patrons within the district who will be temporarily deprived of water. In case of emergency, the water may be cut off without notice.

(1994 Code, § 51.14)

§ 51.15 MAINTENANCE OF LINES AND FIXTURES IN GOOD REPAIR.

(A) The owner and occupant of any building, place, or other premises having water and sewer connections shall keep the water and sewer pipelines or fixtures in proper condition and repair.

(B) Upon the failure of any owner or occupant to make the necessary repairs within 5 days after notice of the defective condition, the service shall be discontinued by the Director.

(1994 Code, § 51.15) Penalty, see § 51.99

§ 51.16 TAKING WATER FROM PUBLIC HYDRANT, FOUNTAIN, AND THE LIKE.

No person, except the Town Administrator, the Director of Public Utilities, the Chief of the Fire Department, or someone authorized by 1 or more of them, shall take water from any public hydrant, pipe

or fountain, plug, street washer, drawcock, or hose, except for firefighting purposes or for the use of the Fire Department.

(1994 Code, § 51.16) Penalty, see § 51.99

§ 51.17 INDUSTRIAL WASTE AND SEWAGE NOT TO BE DUMPED INTO WATERWAYS.

It shall be unlawful for any person, directly or indirectly, to dump industrial waste or industrial sewage into any branch, creek, or stream within the corporate limits.

(1994 Code, § 51.17) Penalty, see § 51.99

§ 51.18 ENTERING PUMPING STATION OR FILTERING PLANT.

No person shall enter any pumping station or filtering plant of the town, without being accompanied by the engineer on duty at the station or plant or by an official of the town.

(1994 Code, § 51.18) Penalty, see § 51.99

§ 51.19 RIGHT OF ENTRY FOR INSPECTION AND READING OF METERS.

The Town Administrator, the Director, or an Inspector designated by either of them shall have the right to enter any dwelling, apartment house, store, business building, hotel, or other premises between the hours of 8:00 a.m. and 7:00 p.m., for the purpose of inspecting and reading the meters. No person shall oppose, obstruct, or interfere with the officer entering the premises or with the inspection.

(1994 Code, § 51.19) Penalty, see § 51.99

§ 51.20 DISCHARGING RESIDUE FROM WASHING OF MOTOR VEHICLES INTO SANITARY SEWERS.

No person shall discharge into the sanitary sewers of the town residue from the washing of motor vehicles, except from wash pits constructed and

maintained in accordance with the plans and specifications for the construction and maintenance on file in the office of the Town Clerk.

(1994 Code, § 51.20) Penalty, see § 51.99

§ 51.21 FIRE HYDRANTS ON PRIVATE PROPERTY.

(A) Any person desiring to run a large pipe from the town main to his or her premises within the town for the purpose of providing a hydrant for use in case of fire shall be permitted to connect with the street main at his or her own expense and shall be permitted to use water therefrom, for fire purposes only, at no charge.

(B) All hydrants so constructed on premises of patrons shall be sealed with suitable material.

(C) Any person breaking or permitting another to break the seal, except for the purpose of obtaining water for firefighting purposes, shall be deemed guilty of a misdemeanor.

(D) Each week the seal remains broken shall be construed to be a separate and distinct offense.

(1994 Code, § 51.21) Penalty, see § 51.99

SEWERS

§ 51.35 DISCHARGES.

(A) No person shall pour, throw, or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole or at any opening therein other than a sewer connection.

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

(C) No person shall connect or cause to be connected to the sanitary sewer system any pipe or conduit which will allow the discharge of the inflow sources listed in divisions (A) and (B) above into the sanitary sewer system.

(1994 Code, § 51.30) (Ord. passed 2-2-1982) Penalty, see § 51.99

§ 51.36 DEPOSIT OF CERTAIN WASTES PROHIBITED.

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

(1) Any clothing, rags, textile remnants or waste, cloth, scraps - except fibers of scraps that will pass through a 3/4-inch mesh screen or its equivalent in screening ability;

(2) Any liquid or vapor having a temperature higher than 130°F;

(3) Any water or waste which may contain more than 100 mg/l of fat, oil or grease;

(4) Any gasoline, benzene, naphtha, fuel oil, motor oil, or other flammable or explosive liquid, solid, or gas;

(5) Any garbage that has not been properly shredded;

(6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(7) Any waters or wastes in which the suspended solids exceed 300 mg/l;

(8) Any waters or wastes in which the total fixed exceed 2,000 mg/l;

(9) Any waters or wastes in which the B.O.D. exceeds 300 mg/l;

(10) Any waters or wastes in which the C.O.D. exceeds 700 mg/l;

(11) Any waters or wastes in which the I.O.D. exceeds 5.0 mg/l;

(12) Any waters or wastes having a stabilized pH lower than 5.5 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(13) Any waters or wastes containing measurable amounts of chromium, zinc, nickel, copper, or other heavy metals which are in an ionic or chemically active state;

(14) Any waters or wastes containing cyanide or other poisonous substances;

(15) Any waste containing toxic, poisonous or other substances in sufficient quantities to interfere with the biological process used in the waste treatment works or that will pass through the waste treatment works and harm persons, livestock, or aquatic life using the receiving stream;

(16) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(17) Any solid radioactive materials or radioactive materials in solution which can be removed by chemical means and disposed of in solid form;

(18) Any radioactive materials in soluble ion form in sufficient quantities to create a hazard to sewage works personnel or the biological life in the waste treatment plant or receiving stream;

(19) Any materials which form excessive amounts of scum that may interfere with the operation of the waste treatment works or cause undue additional labor in connection with its operation;

(20) Any waters or wastes containing suspended solids of a character and quality that unusual attention or expense is required to handle the materials at the waste treatment plant;

(21) Any waters or wastes containing dyes or other color of the character or in the quantity as to require special chemical treatment; and/or

(22) Any waters or wastes which, in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentrations or flows during normal operation.

(B) The Town Administrator may exclude and prevent from being discharged into the town's sewer system any water materials which violate this chapter. (1994 Code, § 51.31) (Ord. passed 2-2-1982) Penalty, see § 51.99

§ 51.37 DETERMINATION OF EXCESSIVE FLOWS OR CHARACTERISTICS.

(A) In order to prevent overloading the sewage treatment plant by periodic discharges of wastes at high levels or by discharges having excessively fluctuating biological or chemical characteristics, the approving authority shall determine when the following conditions exist at the point of discharge to the town sewer.

(B) (1) The B.O.D. is in excess of 300 mg/l for 2 successive days.

(2) The pH is lower than 5.5 or higher than 11.0 for a continuous period of 20 minutes.

(3) The suspended solids are in excess of 300 mg/l for 2 successive days.

(4) The rate of flow is in excess of 5 times the average 24-hour flow for a period exceeding 15 minutes.

(5) The C.O.D. is in excess of 700 mg/l for 2 successive days.
(1994 Code, § 51.32) (Ord. passed 2-2-1982)

§ 51.38 REDUCTION OF EXCESSIVE FLOWS.

(A) After the determination described in § 51.37, the approving authority shall, by the procedures available, determine the source of industrial waste violations.

(B) Thereupon he or she shall notify the persons responsible therefore to cease the discharges or to take 1 or more of the following steps to alleviate the condition:

(1) Construct a storage tank, holding pond, or other device which, with suitable flow control, will equalize the flow over a 24-hour period;

(2) Treat the wastes to prevent the industrial discharge from exceeding the limits of pH as set out in § 51.37(B)(2);

(3) Reduce the B.O.D. of the waste to a level that the discharge into the town's sewer system is not in excess of 300 mg/l for any day; and/or

(4) Reduce the suspended solids of the waste so the C.O.D. is not in excess of 700 mg/l for any 1 day.
(1994 Code, § 51.33) (Ord. passed 2-2-1982)

§ 51.39 OVERLOADS BY SPECIAL CONTRACT.

(A) At the discretion of the approving authority and with approval of the Board, in the case where compliance with § 51.38 would create undue hardship upon the person discharging the excessive wastes, the approving authority may execute a special contract with the person, whereby he or she will be permitted to continue discharge of the wastes uncontrolled or in part.

(B) The contract shall provide for the surcharges as may be determined to compensate the town for treating the uncontrolled wastes.
(1994 Code, § 51.34) (Ord. passed 2-2-1982)

§ 51.40 METHODS OF SAMPLING.

(A) A sewer surcharge may be made for excess B.O.D., C.O.D., or suspended solids and shall be determined by the town through representative sampling of the wastes at intervals as outlined below.

(1) Sampling shall be done by the town 4 times each year at the customer's expense.

(2) If more frequent sampling is requested by the person, the town will do the additional sampling and analysis at the cost to the person requesting it.

(B) Analysis of the waste shall be by laboratory methods as set out in the latest edition of *Standard Methods for the Examination of Water and Sewage*, as published by the American Public Health Association.

(C) A surcharge for excess B.O.D., C.O.D., or suspended solids shall be in accordance with § 51.41.
(1994 Code, § 51.35) (Ord. passed 2-2-1982)

§ 51.41 METHOD OF CALCULATING SURCHARGE.

(A) When the concentration of B.O.D., C.O.D., or suspended solids in the industrial waste discharge to the town's sanitary sewers exceed the limits hereinbefore prescribed, a monthly surcharge may be imposed upon the offending industrial user's sewage flow when the excess is calculated using the industrial plant water flow and the difference between the greater charge for the actual B.O.D., C.O.D., or suspended solids concentration and the permissible limits of 300 mg/l, 700 mg/l, and 300 mg/l respectively.

(1) This surcharge shall be invoked as herein provided in addition to the existing regular sewer service charge.

(2) The surcharge shall reflect the total cost of treating the excess pounds of industrial waste including necessary costs of administration of the sewage plant and this chapter.

(a) The method used to determine the surcharge amount shall consist of dividing the audited budget cost for operating the town's sewage treatment plant for the preceding fiscal year by the total treatment plant design poundage of B.O.D., C.O.D., or suspended solids.

(b) This unit cost for treatment then shall be applied to the excess poundage of B.O.D., C.O.D., or suspended solids.

(B) The Director of Public Utilities shall make a report to the Town Administrator each quarter of all activities conducted concerning this section.
(1994 Code, § 51.36) (Ord. passed 2-2-1982)

§ 51.42 DEPOSIT OR SURCHARGE PERMITS.

Any person desiring to deposit or discharge any industrial waste into the town sanitary sewers shall make application to the approving authority in the manner prescribed by him or her. The approving authority shall approve the applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this chapter.
(1994 Code, § 51.37) (Ord. passed 2-2-1982)
Penalty, see § 51.99

§ 51.43 OUTSIDE CONNECTIONS.

Any person owning or controlling premises located beyond the corporate limits of the town and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the town may do so

by complying with the requirements of this chapter and by paying an additional permit fee and a yearly sewer rental charge fixed or to be fixed by the Board of Alderpersons.

(1994 Code, § 51.38) (Ord. passed 2-2-1982)

§ 51.44 INSPECTIONS.

The approving authority and other duly authorized employees of the town, while bearing proper credentials and identification, shall be permitted to enter upon all properties of persons discharging domestic sewage, wastes, or industrial wastes into the sewerage system, for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(1994 Code, § 51.39) (Ord. passed 2-2-1982)

§ 51.45 TEMPORARY STOPPAGE OF WASTE DISCHARGE.

Authority is hereby granted to the Town Administrator to temporarily stop or exclude any flow of industrial waste, whether pre-treated or not, into the sanitary sewers whenever, in his or her opinion, the action is necessary for the purpose of determining the effects of the wastes upon the sewers, sewage treatment works, or sewage treatment plants.
(1994 Code, § 51.40) (Ord. passed 2-2-1982)

§ 51.46 DAMAGING OR DEFACING EQUIPMENT.

(A) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the town used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers or to tamper with any equipment belonging to the town used in providing utility service to the person.

(B) Any person desiring to appeal any decision of the approving authority pertaining to this chapter may do so before the Board of Alderpersons, if the notice of appeal is presented in writing within 2 weeks of the approving authority's decision.

(1994 Code, § 51.41) (Ord. passed 2-2-1982) Penalty, see § 51.99

§ 51.47 MANAGEMENT POLICY.

(A) Industrial customers who have a discharge in excess of 1,000,000 gallons per month or who have been issued a National Pollution Discharge Elimination System permit by the Environmental Protection Agency or North Carolina Department of Natural and Economic Resources, or who propose to discharge any of those controlled elements or compounds specified in the federal pretreatment regulations shall construct or cause to be constructed a manhole or similar thing for specific purpose of sampling the industrial discharge.

(1) The sampling point shall be totally accessible, contain a ladder or stairs, and be equipped with a primary measuring device such as a Parshall flume, Kenniston nozzle, or other approved system.

(2) Both the design and location of the sampling point shall be approved by the town before construction.

(B) Waste flow from industrial customers shall be determined at 100% of water usage, except an industrial discharger, at his or her own expense, may construct or cause to be constructed an approved measuring device.

(1) In that case, billing will be based on actual metered discharge, provided the town is furnished with an actual certificate of accuracy certified by the equipment manufacturer or other approved agency.

(2) Any malfunction or inaccuracy of the metering equipment shall cause the basis for billing to revert to water usage until corrected.

(C) Industrial customers described in division (A) above shall be surveyed at least annually to determine if violations to this code exist. Should a violation be found, the town will:

(1) Invoke a surcharge and initiate a sampling program as outlined in §§ 51.40 and 51.41;

(2) Issue to the industry a deadline by which the violating concentration or element must be reduced or removed; or

(3) Refuse to accept any further discharge, should the severity of the violation so dictate.

(4) Industrial dischargers who, by virtue of volume, concentration, or waste characteristics have been issued a permit through the N.P.D.E.S. program or are subject to federal pretreatment regulations shall be required to comply with all the requirements of those programs. Should a conflict exist between the federal and state discharge parameters and those specified in this code, the more stringent requirement shall take precedent.

(1994 Code, § 51.42) (Ord. passed 2-2-1982) Penalty, see § 51.99

§ 51.48 GUARANTEED SEWER SERVICE AND GRINDER PUMPS.

The town shall make sanitary sewer available to all lots that exist within the town at the time of construction. Availability shall be defined as accessible to the building with reasonable means of either gravity sewer to the first floor or above or installation of a single building service grinder style lift pump. Any lot that requires a single building service grinder style lift pump will be installed at the property owner's expense. The property owner shall also be responsible for all operational, maintenance and/or replacement costs associated with any single building service grinder style lift pump on the property.

(Ord. CO-02-2014, passed 11-10-2014)

SERVICE CHARGES**§ 51.60 CONNECTION CHARGES.**

Any person desiring or required to connect to the town's water or sewer system shall pay for each connection the charges as are fixed, from time to time, by resolution of the Board of Alderpersons. Water shall not be supplied to any premises, nor shall the use of a sewer connection be permitted, until all the charges have been paid to the Town Administrator and a receipt therefor obtained from him or her.

(1994 Code, § 51.50) Penalty, see § 51.99

Statutory reference:

Authority of town to fix charges for water and sewer connections, see G.S. § 160A-317

§ 51.61 RATES.

Service charges to be collected from patrons of the town's water and sewer systems shall be at the rates as are fixed from time to time by resolution of the Board of Alderpersons.

(1994 Code, § 51.51)

§ 51.62 DEPOSIT TO SECURE PAYMENT.

All new applicants for water and sewer service who do not own property in the town shall post a deposit in the amount as the Board of Alderpersons shall from time to time establish, at no interest, prior to receiving water or sewer service from the town.

(1994 Code, § 51.52)

§ 51.63 DETERMINATION OF SEWER CHARGE BY METER ON PRIVATE WATER SUPPLY.

Where a patron of the town's sewer system uses his or her own water supply in accordance with the provisions of this chapter and there is disagreement as to the quantity of water used, the Town Administrator

may require the patron to install a meter on his or her supply line for the purpose of determining the amount of the sewer service charge.

(1994 Code, § 51.53)

§ 51.64 RESPONSIBILITY FOR PAYMENT IN CASE OF MULTIPLE DWELLING.

(A) The owner of an apartment house, duplex house, or other premises occupied by more than 1 tenant may, if he or she so desires, within 30 days after the completion of the same, file with the Town Administrator a written statement to the effect that he or she will personally pay for all water and sewer services thereafter furnished to all occupants of the apartment house, duplex house, or other premises. Thereupon, only 1 meter shall be required for the apartment house, duplex house, or other premises. In that event, the owner shall pay for all water and sewer service at the rates as shall be established by resolution of the Board of Alderpersons. The owner, if he or she occupies the building or any part thereof, shall be construed to be a tenant under the provisions of this section.

(B) If the owner does not file the written statement provided for in division (A) of this section, the owner shall have installed a separate meter for each apartment, suite of rooms, or other space occupied or arranged for occupancy by a separate tenant in the apartment house, duplex, or other premises.

(C) If any owner of any apartment house, duplex house, or other premises arranged for occupancy by 2 or more tenants does not file with the Town Administrator the written statement provided for in division (A) or does not have installed separate meters as required by division (B), the Director shall discontinue water service to the apartment house, duplex house, or other premises.

(1994 Code, § 51.54) Penalty, see § 51.99

**§ 51.65 WHEN AND WHERE PAYABLE;
CHARGES FOR FRACTIONAL PART OF
BILLING PERIOD.**

(A) All patrons of the water and sewer services of the town shall pay their water and sewer service charges at the office of the town within 10 days after the bill therefor is mailed.

(B) Charges for water and sewer services for a fractional part of a billing period shall be payable on demand.

(1994 Code, § 51.55) Penalty, see § 51.99

**§ 51.66 DISCONTINUANCE OF SERVICES
FOR FAILURE TO PAY; RENEWAL
PROCEDURE.**

(A) If water and sewer charges are not paid within 10 days after the due date, the Town Administrator may instruct the Director to discontinue the services to the delinquent patron.

(B) If water and sewer services are discontinued by reason of the failure to pay the charges therefor, the services shall not be renewed until all charges for cutting on the water are paid in full.

(C) Any person whose water and sewer services have been discontinued by the Director as provided in this section who shall thereafter cut on the water or otherwise make the services available, except by renewal as provided above, shall be deemed guilty of a misdemeanor.

(1994 Code, § 51.56) Penalty, see § 51.99

Statutory reference:

*Service for failure to pay service charge, see
G.S. § 160A-314(b)*

**§ 51.67 PROCEDURES TO ESTABLISH
UTILITY SERVICES.**

(A) It shall be required that renters and/or non-property owners complete a utility application with

all requested information, provide a rental or lease agreement and provide a valid North Carolina driver's license or identification card.

(B) It shall be required that property owners complete a utility application with all requested information, provide a purchase agreement and provide a valid North Carolina driver's license or identification card.

(Ord. passed 4-11-2011)

§ 51.99 PENALTY.

(A) Any violation of any provision of this chapter for which another penalty is not otherwise provided shall subject the violator to a civil penalty in the sum of not more than \$500 per day.

(1) A citation for the civil penalty shall be issued by the Code Enforcement Officer.

(2) Each citation for a civil penalty must be paid within 120 hours of issuance.

(B) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(C) The town may also, and in addition, seek any and all appropriate equitable remedies, injunctions, and/or abatement orders from the appropriate court of competent jurisdiction.

(1994 Code, § 51.99)

CHAPTER 52: EMERGENCY WATER CONSERVATION PLAN

Section

- 52.01 Declaration of shortage
- 52.02 Stage I; guidelines
- 52.03 Stage II; terms, further restrictions
- 52.04 Lifting restrictions

- 52.99 Penalty

(1) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending or existing water shortage.

(2) Conservation measures will be encouraged and recommended.

§ 52.01 DECLARATION OF SHORTAGE.

In the event it appears that water demand on the town's water system may exceed supply and transmission capabilities, the ORC (Operator in Responsible Charge) may recommend to the Town Administrator that voluntary water conservation measures be implemented. The Town Administrator, following consultation with the Board of Alderpersons, may declare a Stage I Water Shortage Condition Advisory requesting voluntary water conservation by consumers. In the event that voluntary conservation measures fail to relieve the demand on the system, the town may advance to a Stage II or Stage III Water Shortage Condition. The Town Administrator, following consultation with the Board of Alderpersons, may, with or without the recommendation of the ORC, declare that a Stage II or Stage III Water Shortage Condition exists. (Ord. 4-02, passed 9-3-2002)

(B) In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply and the public shall be encouraged to adhere to the following:

- (1) Limit car washing to the minimum;
- (2) Limit lawn and garden watering to that, which is necessary for the plants to survive;
- (3) Do not wash outside areas such as sidewalks, patios, parking lots, service bays or aprons, or the like;
- (4) Do not leave faucets running while shaving or rinsing dishes;
- (5) Water shrubbery to the minimum required, reusing household water when possible;
- (6) Limit the use of clothes washers and dishwashers and, when needed, operate fully loaded;
- (7) Use of showers, rather than bathtub, for bathing and limit showers to no more than 4 minutes;
- (8) Limit flushing of toilets by multiple usage;

§ 52.02 STAGE I; GUIDELINES.

(A) In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply.

(9) The use of disposable and biodegradable dishes is encouraged;

(10) The use of flow-restrictive and water-saving devices;

(11) Limit hours of operation of water-cooled air conditioners;

(12) All residents, businesses, and institutions are requested to delay temporarily new landscape work until the water shortage has ended; and

(13) Limit use for industrial purposes.
(Ord. 4-02, passed 9-3-2002)

§ 52.03 STAGE II; TERMS, FURTHER RESTRICTIONS.

(A) In the event the Town Administrator issues a declaration of a Stage II Water Shortage Condition, it shall be unlawful for any person, firm, or corporation to use or permit the use of water from the town system for any purpose hereinafter set forth until the time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a Water Shortage Condition, consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitations, daily water use patterns, and availability of water from other sources.

(B) In the event that a Stage I Water Shortage Condition is in effect and any town storage tank drops to 5 feet or less of storage, a Stage II water shortage may be declared. In addition to the voluntary guidelines already in effect, it shall be unlawful to use water supplied by the town's water system in the following manner:

(1) To water lawns, grass, shrubbery, trees, flowers, and vegetable gardens except by hand-held hose or container or drip irrigation system;

(2) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained; and/or

(3) To operate an evaporative air conditioner which recycles water, except during operating hours of business.
(Ord. 4-02, passed 9-3-2002) Penalty, see § 52.99

§ 52.04 LIFTING RESTRICTIONS.

(A) Water Shortage Conditions will expire when the Town Administrator, after consultation with the Board of Alderpersons and upon recommendation of the ORC, deems that the condition which caused the alert has abated.

(B) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.
(Ord. 4-02, passed 9-3-2002)

§ 52.99 PENALTY.

(A) Any violation of this chapter may also subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation by registered mail or by hand delivery, which must be paid within 72 hours of receipt. Each day's continuing violation shall be considered a separate and distinct offense.

(B) Pursuant to the provisions of G.S. § 160A-314 and this chapter, service may be temporarily discontinued for willful disregard of this chapter and a \$25 reconnect fee may be imposed before restoration of service. In the event of continued gross noncompliance of this chapter, the removal of meter will be deemed proper and service will be discontinued and all tap fees and deposits forfeited. Reconnection will be made only by payment of current due amounts, and new tap fees and deposits shall be paid.

(Ord. 4-02, passed 9-3-2002)

(C) (1) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The town's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill; and

(b) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$25.

