

# Cape Fear Public Utility Authority

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## **Cape Fear Public Utility Authority UTILITY REGULATIONS AND ORDINANCE**

### **(General Provisions)**

WHEREAS, the Cape Fear Public Utility Authority (the “Authority” or “CFPUA”) is a body politic and corporate of the State of North Carolina created pursuant to Chapter 162A of the North Carolina General Statutes; and WHEREAS, the Authority operates water and sewer utility systems in New Hanover County and the City of Wilmington, North Carolina; and WHEREAS, the Authority desires to establish regulations, user rates and other charges which are sufficient for the Authority to operate and maintain its utility systems on a financially self-sustaining basis and to assure continued, uninterrupted utility service. NOW, THEREFORE, the following Regulations and Ordinance, as they may be hereafter amended, shall govern the rendering of utility service by the Authority.

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## ARTICLE I. GENERAL

### Section 1.1. Definitions

The following words as used in these ordinances and regulations shall have the following meanings. Additional terms are defined herein and in the appendices hereto.

“Authority Utility Facilities” shall mean all parts of the Authority’s water and sewer utility system and generally includes water lines, sewer lines, treatment facilities, pump stations, hydrants, water meters, meter boxes, cut-off valves and other facilities related to providing water and wastewater utility service but excluding any Owner Service Facilities as defined below.

“Basic User Charge” shall mean the bi-monthly charge to all water and sewer customers, consisting of a fixed fee determined by customer water meter size, and a consumption rate for water and a usage rate for sewer.

“Building Sewer” shall mean the private plumbing pipes or any other plumbing facilities of an Owner pursuant to which wastewater is discharged from the Owner’s premises to Authority Utility Facilities.

“Bulk Meter” shall mean a meter serving a wholesale customer who resells water on a retail basis such as another governmental unit or private water system.

“Commercial Meter” shall mean a meter serving multiple units under one ownership or any Person in commerce or manufacturing.

“General Manager” shall mean the Authority’s General Manager, its chief executive officer.

“Inflow” shall mean water other than wastewater that enters a sanitary sewer system (including water entering through a building sewer) from sources such as roof leaders, collar drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage.

“Irrigation Service” shall mean water service restricted only for the purpose of irrigation.

“Master Meter” shall mean a meter serving a user to whom the Authority sells water for resale or a meter serving condominiums.

“Owner” shall mean the fee simple owner of real property whose premises is or can be provided utility service by the Authority.

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“Owner Service Facilities” shall mean (i) the water service facilities owned by an Owner and commencing at the connection on the Owner’s side of the Authority’s meter and servicing the premises of such Owner, including pipe, private cut-off valves, Backflow Prevention Device, pressure reducing valve and other components and (ii) the Building Sewer running from the Owner’s premises to the sewer tap provided by the Authority to which an Owner connects private plumbing.

“Person” shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

“Rates and Fee Schedule” shall mean the Rates and Fee Schedule adopted by the Authority from time to time setting forth the rates and charges imposed by the Authority. The type of rates and charges which the Authority currently imposes are defined in Article IV hereof.

## **Section 1.2. Administrative Authority**

The General Manager is responsible for administering, implementing and enforcing all provisions of these Regulations and Ordinance and shall exercise these responsibilities in accordance with the purpose and intent expressed herein in a fair and objective manner.

The General Manager may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers granted to or imposed upon the General Manager may be delegated by the General Manager to other Authority personnel.

## **Section 1.3. Applicability**

These Regulations and Ordinance, as amended, shall be binding on every person (i) utilizing utility service from the Authority or (ii) required to connect Owner Service Facilities to Authority Utility Facilities pursuant to the mandatory connections provisions of these Regulations and Ordinance.

## **Section 1.4. Amendments**

The Authority may from time to time amend these Regulations and Ordinance. No promise, agreement or representation by any agent or employee of the Authority shall be construed as amending these Regulations and Ordinance or binding upon the Authority. No agreement of the Authority shall be binding unless in writing, approved by the Authority Board and signed by its Chairman or the Chairman’s designee.

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## **Section 1.5. Application and Fees**

- (a) All persons owning or occupying structures having a water supply piping system which provides water for human consumption located within the effective service areas of the Authority water system shall apply for and be provided a connection to the Authority system when available and existing for such service, except structures connected to an existing private water system operating in conformity with state utility commission and department of health and human services regulations.
- (b) **Application for New Service.**  
Any Owner desiring new water and/or sewer service must make a written application to the Authority upon forms to be supplied by the Authority, setting forth the type of service requested, the location of the property to be served, and such other information as the Authority may require. The application must be accompanied with a copy of a valid building permit or certificate of occupancy for the premises to be served issued by the governmental Authority having jurisdiction to issue such documents; provided, however, that such documents shall not be required for existing structures which are legally occupied. The Authority may require additional information when a customer intends to use water for other than household purposes or to discharge other than domestic strength (household) wastewater or when the Authority deems such additional information necessary for the proper operation of its utility systems.
- (c) The applicant shall request the size service line and meter desired, which shall be verified as appropriate by Authority engineering staff, and shall pay the scheduled connection fee for the service and meter upon filing of request for water or sewer service.
- (d) Connection fees and basic user charges consisting of a fixed meter charge and consumption rates which may vary depending on usage shall be as shown on the latest schedule adopted by the Authority. The schedule shall be part of this chapter as though incorporated in this section.

## **Section 1.6. Initial Fees**

- (a) An application for new utility service shall be accompanied by any applicable Application Fee, Security Deposit, Tap Fee, System Development Charge, Inspection Fee and other required fees and charges as required under this ordinance. The amount of these fees and charges shall be set forth in the Rates and Fee Schedule.
- (b) Applicants for new service and for turning on of water after payment of past due charges may be required to pay a deposit in advance. The amount of these fees and

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charges shall be set forth in the Rates and Fee Schedule. All deposits shall be paid prior to inception of service. G.S. 162A9-(c)(1).

- (c) Additional charges. Any person requesting sewer service who has an outstanding bill or previously had an unpaid bill charged off by the Authority will be required to repay this amount, in addition to the deposit, if required.
- (d) Exception to deposits. The Authority may waive a security deposit when it determines in its sole discretion that a customer has a good credit history. The Director of Customer Service with the concurrence of the General Manager shall establish guidelines for determination and shall retain the option of modification as needed.
- (e) Use of deposit. The Authority has the right to apply the customer deposit to unpaid water and sewer charges including any interest and late fees, after an account is more than 30 days past due. No interest will be credited to any deposits unless required by law.

## **Section 1.7. Rejection of Application**

The Authority may reject an application for utility service if (i) the application seeks service not within the classifications of utility service offered by the Authority, (ii) the providing of utility service involves excessive service costs or is otherwise not feasible, (iii) the provision of utility service may adversely affect the quality and quantity of utility service the Authority is able to provide to its existing customers, (iv) the application is from a prospective customer who intends to resell water, (v) the applicant is delinquent in payment of bills incurred for service previously supplied at the location for which utility service is sought or at any other location, (vi) if the application for service is for a location outside the service area, or (vii) for any other good and sufficient reason. An application for Irrigation Service may be rejected for any reason.

## **Section 1.8. Transfer of Existing Service**

Upon request of customer applying for new service, water will not be turned off upon termination of prior service if the customer for new service accepts responsibility for usage after final meter read of previous customer.

## **Section 1.9. Control and Maintenance of Authority Equipment/Damage**

- (a) The Authority Utility Facilities shall be under its exclusive control, and no Person, other than authorized employees, agents, and contractors of the Authority or Authority approved licensed plumbers, shall install, tap into, repair, change, tamper or interfere with them in any way. The Authority will specify the location, size, kind and quality of all materials constituting the Authority Utility Facilities. IT IS

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- UNLAWFUL (i) FOR ANY PERSON TO ALTER, TAMPER WITH OR BYPASS A WATER METER OR TO KNOWINGLY USE WATER PASSING THROUGH SUCH A TAMPERED METER OR WATER BYPASSING A METER, (ii) FOR ANY UNAUTHORIZED PERSON TO RECONNECT WATER CONNECTIONS OR OTHERWISE TURN ON WATER THAT HAS BEEN DISCONNECTED OR TURNED OFF BY AUTHORITY, and (iii) for any Person to contaminate a public water system or to damage or tamper with public utility facilities with the intent to impair the ability of the facilities to provide utility service.
- (b) The cost of repairing any damage to any meter or other Authority Utility Facilities by an Owner's operations, negligence or carelessness or that of any Person occupying the premises of the Owner being served by the Authority, shall be paid by the Owner. Such damages shall include but not be limited to the costs of investigation; expert fees, tests and analyses; labor and materials, reimbursement for lost revenues due to water loss and reasonable attorney's fees. The cost of repairs (including lost water) shall be added to the first utility bill rendered after the amount of the cost of the repairs is ascertained by the Authority. The cost of such repairs shall be determined by the schedule of "Service/Repair Costs" maintained by the Authority in its Rates and Fee Schedule. The Owner of the premises being served shall be responsible for the amount billed notwithstanding that such bill is rendered to a customer at the premises other than the Owner.
- (c) No Person shall plant shrubs, bushes, trees or other vegetation, erect any fence or other structure, or maintain any pet in a fashion that will hinder or prohibit access of the Authority to its meter box or otherwise endanger Authority personnel. The Owner of premises served by the Authority is responsible for keeping the surface of the meter box free of sand, trash and other debris.
- (d) No Person unauthorized by the Authority shall turn on or turn off water supplied by the Authority.

## **Section 1.10. Owner Service Facilities**

Person shall connect Owner Service Facilities or discharge to the Authority Utility Facilities without first obtaining the permission of the Authority. In certain instances a Person may be required to obtain a wastewater discharge permit from the Authority before connecting and discharging. Where the Authority makes the connection the applicant for connection shall pay a Tap Fee (plus other applicable fees). Where the Authority does not install the connection either for an individual property or for a development project, the applicant for connection shall engage a licensed utility contractor approved by the Authority to install the connection. All cost and expenses of connection shall be borne by the applicant and the applicant shall pay an Inspection Fee (plus other applicable fees) to cover the cost to the Authority of inspecting and approving the installation work. Owner Service Facilities shall be installed and maintained in good order and repair at no cost and expense to the Authority, but shall be subject to inspection

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and approval by the Authority before service is connected. Owner Service Facilities shall be installed in accordance with these Regulations and Ordinance, Authority specifications, and applicable governmental building/plumbing codes. The Authority does not assume responsibility for inspecting Owner Service Facilities or for any defects therein.

## **Section 1.11 Supplying Water and/or Sewer Service**

- (a) Water and/or sewer service from the Authority system shall only be supplied to persons or premises outside the Authority's service area upon proper application to the Authority, and upon the conditions that such users shall comply in all respects with all the regulations prescribed or that may hereafter be adopted by the Authority in that behalf.
- (b) Water and/or sewer service from the Authority system shall only be supplied to consumers outside the service area limits through meter service, and the minimum charge to any consumer shall be as prescribed in the Rates and Fee Schedule.
- (c) The Authority may contract with other public or private utility systems to provide bulk or wholesale water and/or sewer service at individually negotiated rates and upon the conditions that such entities shall comply in all respects with all the regulations prescribed or that may hereafter be adopted by the Authority in that behalf.

## **Section 1.12. Access**

The Authority, its agents, contractors and employees shall have access at all times to Authority facilities, up to and including the water meter, serving customers for the purpose of operating and maintaining the Authority's utility systems.

## **Section 1.13. Mandatory Connection of Plumbing to Utility Systems**

- (a) All Owners of improved lots with plumbing facilities for domestic use inside the Authority service area abutting a right-of-way where public water and/or sewer mains are laid fronting any boundary of that lot, and where the Authority has legal Authority to install a connecting pipe from the main to the lotline, shall, upon written notification by the Authority, make application to the Authority and pay the appropriate fees for the installation of service pipes to connect the Owner's plumbing facilities to the Authority Utility Facilities within one hundred and eighty (180) days from and after the date said mains have been installed fronting said boundary. All required connections shall be made in the same manner and for the same charges as if

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- an application therefore had been filed in accordance with the provisions of this Article. The date said mains shall be considered installed shall be the date the main is first accepted by the Authority for operation and maintenance.
- (b) If Authority Utility Facilities have been installed in rights of way abutting improved property before the date of the adoption of this section, Owners shall cause all plumbing facilities for domestic use to be connected to the Authority Utility Facilities within three (3) years of the date of said adoption if service is available at that time. If Authority Utility Facilities have been installed abutting undeveloped property for which plumbing facilities have not been installed, the Owner shall cause any and all new plumbing facilities for domestic use which may be installed in the future to be connected to Authority Utility Facilities before said plumbing facilities are placed into service.
- (c) When an Owner of an improved lot desires to obtain water for a non-domestic process, or discharge waste water from a non-domestic process, and the Owner has installed or proposes to install facilities for non-domestic use separate from plumbing installed for domestic use, and any plumbing for domestic use is connected to Authority Utility Facilities, then the General Manager, at his discretion and on terms and conditions acceptable to the Authority, may permit the use of Authority Utility Facilities for non-domestic purposes. Such facilities for non-domestic use shall conform to all applicable practices, procedures and regulations, including permit requirements, established by the United States Environmental Protection Agency, the Authority's Pre-treatment program as described in Appendix D to this document as part of the Sewer Use Ordinance, and/or the North Carolina Division of Environmental Management. The term "domestic use," as stated in this section, shall include all water and/or sewer used in conducting normal human living processes. Normal human living processes include wastewater from bathroom and toilets, noncommercial kitchens and non-industrial and noncommercial laundries. Nondomestic uses shall be those uses not defined as domestic uses, to include, but not limited to commercial and industrial process, or irrigation of land.
- (d) The procedure for notifying Owners of the requirements of this section shall be as follows: (1) Within sixty (60) days after the date a water or sewer main is accepted by the Authority for operation and maintenance, all abutting Owners shall be notified of the requirements of this section and the date when compliance with these requirements shall be met. (2) Within thirty (30) days of the date a property Owner is required to comply with the requirements of this section, the General Manager may serve on the Owner of or post on such property a public notice prescribing a date not less than thirty (30) days from the date of said notice when the property Owner shall be required to make application for connecting pipes and/or cause connection of his plumbing facilities to Authority Utility Facilities.
- (e) The General Manager may serve a notice on an Owner of improved property with plumbing facilities for domestic use which may be identified through inspection not to be connected with the Authority Utility Facilities, requiring such Owner to make

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- application for and pay the appropriate fees within ninety (90) days of receipt of such notice when all of the following conditions are met: (1) The respective Authority Utility Facilities at such location is and has been available for a longer period of time than that prescribed in the requirements of the appropriate paragraph (a) or (b) of this section; and (2) It is uncertain whether or not the Owner has previously received the notices required by paragraph (d) of this section. In the event such notice is issued, the date of compliance established as ninety (90) days from the date of receipt shall have the same force and effect as would have the original date in terms of the remedies prescribed in paragraph (d) of this section and all other remedies prescribed in these Regulations and Ordinance.
- (f) An Owner of improved real property with plumbing facilities for domestic use for which such Owner has made application to the Authority for the installation of connecting pipes and has paid the appropriate fees shall cause the same plumbing facilities to be connected to the Authority Utility Facilities through use of the connecting pipes within six (6) months after the date of completion of the installation of the connecting pipes by the Authority or a utility contractor approved by the Authority, or the date of application for connection, whichever date is later.
  - (g) Where an owner fails to connect his plumbing facilities to the Authority Utility Facilities within the times provided for in this Section, the Owner shall, commencing with the first month after the connection deadline, pay the applicable bi-monthly Fixed Meter Charge for the particular utility service for which connection is hereby mandated.
  - (h) After the time a Person is required to connect to the Authority Utility Facilities for wastewater pursuant to this Section, no wastewater shall be discharged from the premises required to be connected to any septic tank or other discharge source.

## **Section 1.14. Liability of the Authority**

The Authority shall have no liability resulting from interruptions in utility service, erroneous shut-offs, failure to deliver water, failure to deliver water at any particular (high or low) pressure or quality, or damage to persons or property from turn-on or use of water at any premises.

## **Section 1.15. Water Turn-On**

- (a) A responsible person should be present at the premises when a turn-on of water is scheduled. If there is no responsible person on the premises when water is to be turned on and Authority personnel determine that water is flowing at the premises, Authority personnel will turn off the water and lock the meter. The customer will be notified of the reason water was not turned on and a subsequent time designated for

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Authority personnel to return. The customer will be charged a Premise Fee for every visit to the service location.

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## ARTICLE II. WATER SERVICE

### Section 2.1. Water Service Metered

Each separate residential or commercial unit shall be supplied through a separate meter. However, in some cases, a unit may be supplied at the option of the Authority through a Commercial or Master Meter, such as in the case of apartments and condominiums.

### Section 2.2. Backflow

Owner Service Facilities connected with the Authority Utility Facilities shall not be connected with pipes or fixtures supplied with water from any other source and shall include a Backflow Prevention Device(s). Backflow Prevention Devices to be used shall comply with applicable International Plumbing Codes and shall be approved by the Authority. Upon the discovery of a cross-connection or the absence of a proper Backflow Prevention Device, water service shall be terminated until the violation is remedied. The provisions of the Authority's "Cross Connection and Backflow Prevention Regulations" attached hereto as **Appendix A** are incorporated herein by reference and made a part of this Ordinance.

### Section 2.3. Tests

The Authority may at any time remove any meter for routine tests, repairs or replacement. The Authority shall upon request of a customer, test the accuracy of the meter in use, provided the meter has not been tested by the Authority within a period of three (3) months prior to such request, and that the customer will agree to abide by the results of such test in the adjustment of disputed charges. If the meter is shown to have an error as defined in this Article, the Authority will replace or correct the meter at no charge provided the meter is the property of the Authority. If the meter has no such error, the customer will pay a Meter Testing Charge.

### Section 2.5. Error

Whenever a test of a meter reveals it to have an average error of more than two percent (2%), the Authority shall render a bill for or give a credit for, as the case may be, such percentage of the amount reflected on bills covering the consumption indicated by the meter for the previous three (3) months, as the meter was found to be in error at the time of test, unless it can be shown to the satisfaction of the Authority that the error found had existed for a greater or lesser period, in which case the adjustment shall cover such actual period.

## **Section 2.6. Irrigation Water Service**

Water supplied for Irrigation Service only may not be used for potable, domestic or any other use. No pipes or other Owner Service Facilities intended for potable water service shall be connected to any meter dedicated only for Irrigation Service. If it is discovered that water supplied through a meter dedicated solely for Irrigation Service is being used for potable or domestic water use, the customer shall be required to pay the applicable Fixed Meter Fee and Water Consumption Rates for potable water and sewer service for the 12-month period immediately preceding the date it is discovered that the Irrigation Service has been used for potable or domestic water use or such shorter period of actual service if the Irrigation Service meter has been installed for a shorter period.

## **Section 2.7. Waste**

An Owner shall not willfully or indifferently waste water delivered to it by the Authority.

## **Section 2.8. Conservation**

Water service shall be subject to the terms of the Authority's Water Emergency Management Regulations attached hereto as **Appendix B** and incorporated herein by reference.

## **Section 2.9. System Expansions**

The construction of Authority Service Facilities by developers or others for new utility service shall be controlled by and subject to Authority's "System Extensions and Cost Recovery Policy" attached hereto as **Appendix C** and incorporated herein by reference.

## ARTICLE III. WASTEWATER

### Section 3.1. Method of Connection

Connections of Building Sewers to Authority Utility Facilities will be made in accordance with the following requirements:

- (a) All connections shall be made in accordance with the provisions of the State of North Carolina Building Code Volume II, Plumbing, current edition;
- (b) A separate and independent Building Sewer shall be provided for every building. An exception may be granted where one building on an interior lot stands at the rear of another and it is not economically feasible for the Authority to provide a tap to the rear building. In such event, the Building Sewer may be extended to the tap for the front building and the whole considered as one (1) Building Sewer. However, separate Rates, Fees and Charges shall be charged to each building, and the appropriate easements as defined by the Authority's General Manager or his designee must be provided.
- (c) All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will permit a minimum average slope of the Building Sewer of one (1) foot per one hundred (100) feet, wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum average slope. Costs of the pumping units, piping and power shall be borne by the Owner.
- (d) No connections that will allow inflow of water not originating from the Authority to enter the Authority's system shall be permitted unless specifically granted in writing by the Authority. Such prohibited connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- (e) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sand traps or other interceptors as required by these Regulations and Ordinance.
- (f) Connections to Authority Utility Facilities will be made at the tap provided for the structure to be served.

### Section 3.2. Maintenance of Building Sewer/Damages

Whenever a Building Sewer connected to Authority Utility Facilities becomes clogged, broken, out of order or detrimental to the use of Authority Utility Facilities, or the public health and welfare, the Owner of any building or premises through which the Building

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Sewer collects wastewater shall, upon notification by the General Manager, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification.

## **Section 3.3. Interceptors**

The provisions of the Authority's "Grease Removal Policy" attached hereto as **Appendix D, section 3-14**, are incorporated herein by reference and made a part of these Ordinance and Regulations.

## **Section 3.4. Prohibited Discharges and Pretreatment**

The provisions **Appendix D** attached hereto entitled "Sewer Use Ordinance" as are incorporated herein by reference and made a part of these Ordinance and Regulations.

## **Section 3.5. Basis for Billing Sewer Use**

Sewer usage will be billed based on the Fixed Rate Meter Charges hereinafter defined plus volumetric flow determined by the flow of the Authority's water meter at the premises being billed. If sewer is provided to premises to which the Authority does not provide water, billing will be based at the option of the Authority on one of the following: (i) from water meter readings at the premises for water supplied by another water provider or meter readings from a meter attached to any private well supplying the premises, which meter shall be provided and installed at the Owner's expense or (ii) a Flat Rate consisting of the base meter rate for the lowest size meter plus the assumed consumption as established in the rate and fee schedule.

## **Section 3.6. System Expansions**

The construction of Authority Service Facilities by developers or others for new utility service shall be controlled by and subject to Authority's "System Extensions and Cost Recovery Policy" attached hereto as **Appendix C** and incorporated herein by reference.

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## ARTICLE IV. RATES, FEES, AND CHARGES

### Section 4.1. General

The Authority shall annually, or more frequently if financial or other conditions dictate, establish rates and charges so that revenues of the Authority, will be sufficient at all times to pay the cost of maintaining, repairing, and operating the Authority Utility Facilities, including reserves for such purposes, debt service on bonds and other debt obligations issued by the Authority and debt service reserves, the cost of utility system development and growth, and the cost of such other matters as the Authority deems appropriate. The Authority may set different rates for different service areas or different types of utility service (such as for Bulk service) where a basis of distinction exists to establish such differentiated rates.

### Section 4.2. Specific Fees and Charges

The Authority may from time to time adopt and impose the following fees and charges, the amounts of which shall be set forth in the Rates and Fee Schedule:

(a.) Customary Recurring Charges for Service:

- i. Fixed Meter Charge – For the purpose of allocating the capital and operating costs associated with providing the required amount and quality of water and the collection and treatment of wastewater, minimum water and sewer charges shall be made according to the size of the water meter for each billing period. These minimum charges shall be as set forth in the Rates and Fee Schedule.
- ii. Consumption Rate – Basic rates for the use of water and production of sewage shall be as set forth in the Rates and Fee Schedule. These rates shall generally be determined on the basis of water consumption measured for each customer through a metering device installed, maintained and read by the Authority. The sewer consumption rate shall take precedence over any terms or conditions of agreements, or contracts which are inconsistent with the requirements of Section 204, (b), (1), (A) of the Clean Water Act. The consumption rates shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the publicly owned collector and interceptor lines.
- iii. Bulk Rate – A rate for water or wastewater collection sold to another municipal or private system or commercial waste hauler for resale to other customers.

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- iv. Flat Rate – Where sewer service is furnished with private water service to a residence, and the owner elects, subject to approval by the General Manager, not to install a meter, a flat sewer charge consisting of a fixed meter charge plus a predetermined consumption amount shall be made for individual units as set forth in the Fee Schedule.
  - v. Extra Strength Sanitary Sewer Discharges – When the discharge of wastewater into public sanitary sewer is permitted by the General Manager in accordance with an Industrial Waste Discharge Permit of a strength exceeding standard wastewater strength, a surcharge shall be applied in addition to the basic user rates as set forth in the Fee Schedule.
  - vi. Fire Line Charges – Charge to supply water to a premise with a private fire line with hydrant or water connection to a fire line inside a building.
- b) Charges Related to New Utility Service:
- i. Connection Fees – Where the Authority installs the water and/or sewer service connection, the applicant for connection shall pay a connection fee levied by the Authority to cover all costs and expense incurred by the Authority incident to the installation of the service. Such costs shall include the costs of tapping the Authority's water line and sewer line, installing the service and installing facilities for metering the flow of water into the privately-owned water plumbing. The water and sewer connection fees for standard installations are listed in the Rates and Fee Schedule. Water and sewer connection fees shall be paid upon application by the owner and prior to installation of the connecting facilities.
  - ii. Inspection Fee – A fee to cover the cost to the Authority of inspecting and approving the work of a contractor engaged by an applicant to connect the applicant's privately-owned water and sewer plumbing to the Authority water and sewer system.
  - iii. Meter Set Fee – A fee to cover the cost of the water meter provided by the Authority when the tap is being made by a licensed contractor and not the Authority.
  - iv. System Development Charge– a fee to recover the past or future capital cost of Authority capital facilities that have a system wide benefit the amount of which shall be based on meter size. System Development Charge shall be paid at the time of application for new utility service. Persons who pay System Development Charges are any Person undertaking any "development" (defined below) to be connected to the Authority system. If a meter size on which the fee is based is not described in the Rates and Fee Schedule or if there is no meter, the amount of the System Development Charge shall be determined by the General Manger based upon the anticipated water use and

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sewage generation rates for sizes in question. “Development” for purposes of this paragraph shall mean any construction activity requiring the issuance of a building permit under the North Carolina State Building Code. Such activity shall include, but not be limited to, (i) new construction on vacant land, and (ii) redevelopment activities and additions to existing structures on previously developed land where new utility service or an increased meter size is required; provided, however, that where an existing meter is being upgraded, the Authority shall give a credit against the System Development Charge due in an amount equal to the System Development Charge that would have been due for the meter being replaced. Additional considerations related to System Development Charge include the following:

1. Upon approval by the General Manager, any person obligated to pay any of the System Development Charges set forth in this article shall receive a credit against the amounts due or to become due for public improvements installed and paid for by such person, if such public improvements are in addition to the public improvements required.
2. It shall be unlawful for any person to occupy or use any real property for any purpose for which a water and sewer System Development Charge is due and payable prior to having paid such fee. Each day of such occupancy or use shall be a separate offense.
3. All fees collected pursuant to this section shall be deposited in a Capital Improvement fund and shall be used for the projects identified or subsequently approved by the Authority governing board.

(c) Other Fees and Charges:

- i. After Hour Service Call Fee – A fee for service calls which the consumer requests to be made after 2 p.m. weekdays and on weekends or holidays for a leak or line break and the line or break is to the Owner’s Service Facilities or to Authority Utility Facilities resulting from the negligence of the customer at the premises or the customer’s guests or agents.
- ii. After Hour Reconnection Fee – If water or sewer service has been stopped for non-payment, and customer pays amounts due after 3:00 p.m. on a Friday night or the day before a holiday recognized by the Authority, this fee shall be charged to reinstate service that same day.
- iii. Application Fee – A fee due when a Person applies for new utility service.
- iv. Civil Penalty – A penalty for violation of these Regulations and Ordinance.

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- v. Cut Lock Fee – A fee to cover the cost of replacing padlocks which have been removed from Authority water meters without the Authority’s consent.
- vi. Special Use of Water – An application for the special use of water, through a public fire hydrant or other external means, for the construction, repair or demolition of buildings, roads or any other structure or for any other purpose shall be made to the Authority prior to such use. Before special use of water is permitted, the applicant shall provide an approved hydrant meter with attached backflow prevention assembly and/or air gap separation. Failure to make application or obtain approval from the Authority will subject the applicant to fines and penalties specified in this ordinance. All water received, as a special use shall be charged at the non-residential rate as set forth in the fee schedule. Where the Authority provides a meter and backflow prevention assembly, a meter fee and installation/removal fee for the meter shall also be assessed for the special use of water per application as set forth in the Rates and Fee Schedule.
- vii. Late Fee – A fee added to delinquent utility bills.
- viii. Meter Testing Charge – A charge for testing meters measuring utility service.
- ix. Miscellaneous Administrative Fees – Fees for such matters as returned checks, copying, customer lists, debit bill payment by phone and such other categories as the General Manager deems appropriate. The amount of Miscellaneous Administrative Fees shall be set by the General Manager.
- x. Plan Review Fee – A fee for reviewing and approving plans and specifications submitted for utility facilities to be constructed by those other than the Authority and dedicated to the Authority upon completion.
- xi. Re-connect Fee – A fee for reconnection of service that has been suspended or terminated for failure to pay bills or for violation of these Regulations and Ordinance.
- xii. Premise Visit Fee – A premise visit fee will be charged to the customer’s account for the following:
  - 1. Check a leak at the request of a customer (and the leak is from the customer’s lines, not Authority’s)
  - 2. Customer wants meter reread because of high water usage
  - 3. Customer needs angle stop/yoke turned off to make repair (Service call will include going back out and turning the meter back on)
  - 4. Checking pressure (problem is on customer’s side)
  - 5. New service tap scheduled for installation but remains un-flagged when tap crew arrives (requiring rescheduling).
  - 6. Visit premise to turn water or sewer service on or off.

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7. Reconnection of service that has been suspended or terminated for failure to pay bills or for violation of these Regulations and Ordinance.
- xiii. Tampering Charge – A charge for tampering with any Authority system. This includes illegal connections or reconnection of service turned off for non-payment. Violators will also be responsible for paying for any damage to Authority property required to effect repairs.

### **Section 4.3. Rates and Fee Schedule**

The Rates and Fee Schedule is incorporated in and shall be part of these Regulations and Ordinance. A copy of the Rates and Fee Schedule shall be kept on file with Clerk to the Authority.

## ARTICLE V. CUSTOMER SERVICE, BILLING, AND COLLECTION

### Section 5.1 Hours of Operation

Hours of operation for the Customer Service Department shall be set by the General Manager and posted at the place of business. From time to time, hours of operation may be modified to respond to business needs, weather contingencies, and holidays.

### Section 5.2 Billing and Payments

- (a) Owner of property to be customer of Authority. Notwithstanding any language to the contrary appearing elsewhere in this article, the owner of real property receiving water or sewer service shall be the customer of the Authority for the purpose of billing user charges for such service. The owner may request a duplicate bill be mailed to another party for payment, but ultimate responsibility for payment shall remain with the owner. Accounts set up in a tenant's name at the inception of Authority operations may remain as such until the earlier of request for termination of service by the tenant or three years. Any exceptions to this policy will be considered by the Director of Customer Service on a case-by-case basis supported by bona fide business necessity of the owner which will not compromise the ability of the Authority to receive payment for water and/or sewer services rendered.
- (b) Routine billing. The Authority shall bill the user charges as computed according to the Rates and Fee Schedule based upon meter readings for water and sewer service on a bimonthly basis. However, in extraordinary situations such as extreme weather, the Authority may estimate consumption to maintain a reasonable period of time between billings. Initial and final bills shall be prorated based on days of service.
- (c) Billing irregularities. In the event of meter malfunction, the applicable utility bill shall be based on the average usage over the past twelve month period, prorated as appropriate for partial billing periods. In the event of meter tampering or the meter being inaccessible to the reader due to a fence, dog, or other hindrance within the control of the customer, the applicable utility bill will be based on the greater of the highest usage within the prior twelve months, or 18,000 gallons, in addition to any other fees or charges assessed under these Regulations and Ordinance.
- (d) Billing start date.

New development. A developer may obtain temporary water service at a construction site through procedures as established by the Authority staff. Otherwise, a customer's initial billing period begins on the date of the plumbing final inspection by the inspections department of the County.

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Established meters. The billing period will begin upon the later of application for service or water/sewer turn on. The initial period may be less than two months, depending on the timing of the next regularly scheduled meter reading cycle.

Discovered accounts. In the event a customer is discovered to be receiving water and/or sewer services without having been properly billed, the Authority reserves the right to assess charges for the previous three years. Such charges will be computed in a manner to most closely approximate actual usage during that time period.

- (e) Change of ownership. The owner of property served by the water and/or sewer service is responsible for all user charges incurred on the account until the Authority is notified of a change in ownership. Upon notification, the subsequent owner of the property becomes the customer of the Authority and is responsible for all user charges incurred as of the later of the closing date of the sale or the date of notification by the owners. Forms to report change in ownership shall be available from the Authority.
- (f) Multifamily parcels. Each unit of a multifamily parcel will be treated as a single-family unit; and each unit will be responsible for all applicable charges, and fees pursuant to section 4.2, except for units covered by a Master Meter pursuant to Section 4.2.
- (g) Payment due date. Bills are due within 30 days of the date of preparation. If the balance due is not paid in full within 30 days, a late fee will be assessed on the account equal to ten percent of the outstanding balance due and service may be disconnected. Failure to receive bills will not be considered justification for nonpayment of amounts due or permit an extension of the date when the account would be considered delinquent. G.S. 162A-9(c)(2).
- (h) Other Charges. In accordance with agreements with other local governments, the Authority may act as agent and include other charges on water and sewer bills such as stormwater and trash collection charges. G.S. 162A-6(a)(11).
- (i) Private Water Companies. The Authority reserves the right to negotiate billing arrangements on an individual basis with any private water company which is supplying water to the owners, lessees, or tenants of real property which is or will be serviced by the Authority's sewer system. G.S. 162A-15.
- (j) Installment Payments. For nonrecurring charges in excess of twice the average sewer and water billing, the General Manager may set up terms and conditions for repayment of such charges on the installment method.
- (k) Fees and Billing Rates. Customers shall be charged the prevailing fees and water and sewer rates at the time the bill is prepared or application rendered.

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## **Section 5.3. Payment Methods**

- (a) Payment will only be accepted in United States Currency, and may be in the form of cash, check, money order, ACH bank draft or debit/credit card.
- (b) No customer shall be given cash back from payment of a bill by any method other than cash.
- (c) Authority reserves the right to refuse acceptance of a check from a customer who has previously submitted a check which was returned for insufficient funds. The Authority also reserves the right to refuse payment via credit or debit card if the validity of the transaction is questionable or for any other business reason.
- (d) The General Manager shall determine places and times wherein payments will be accepted, including but not limited to the Business Office during regular office hours, via the United States Postal Service delivered at an address designated by the Authority, and through telephone or internet as established by the Business Office.
- (e) In the event payment is made in an amount less than the total due on a bill, any such amount shall be allocated to outstanding charges in the following order: storm water, trash bags, trash services, other charges, sewer, and water. G.S. 162A-9(c)(3)
- (f) Customers presenting checks and drafts which are not honored by their banks will be assessed a charge to reimburse for Authority staff administrative time in accordance with the Rates and Fee Schedule in effect at that time. Any such fees will be added to the outstanding bill, and in the event service is terminated, must be repaid with other past due charges to reinstate water and/or sewer service.
- (g) Customers who do not make good any returned checks or bank drafts and applicable fees will be considered to have not made any payment, and will be subject to any late fees and procedures for collection of past due sewer charges.

## **Section 5.4. Errors and Adjustments**

- (a) Purpose. All customers are responsible for payment of water and sewer services incurred. However, if a customer suspects an error in the billing process, or in the event of unusual or infrequent circumstances, customer bills may be adjusted in the interest of equity.
- (b) How to Request. Adjustments must be requested within 90 days of the date of the protested bill.
- (c) Error. Adjustment in full may be made for clerical or computer errors. However, in the event of charges for services not received, an adjustment will be allowed only for amounts paid by the customer within the prior three years.
- (d) Leak adjustment. Adjustments for domestic customers may be made for water and/or sewer charges caused by a leak in excess of twice average usage over the previous twelve month period. The amount credited may be 50% of the water and sewer

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consumption charges over the average usage. However, if the water was not discharged into the sewer, the adjustment may be up to 100% of the sewer charges over the average consumption usage. The customer should submit a repair invoice from a licensed plumber or other documentation to support the assertion that the excess charges were caused by a leak outside of the customer's control. Adjustment will be made for only one leak occurring within any twelve month period, and no adjustment will be allowed for water loss caused by the negligent or willful action of customer. The Authority reserves the right to limit or deny the amount of the credit. Any other situations will be decided by the Director of Customer Service on a case-by-case basis.

- (e) Vacant Premises. Upon the request in writing by the owner of the premises, the water will be turned off at the curb cock, and will be turned on again when requested, in writing, upon a date named in such request. The customer will be responsible for the premise visit fee to turn the water off and on again. Where metered premises are left unoccupied, with the water not turned off by the said department, no rebate will be allowed for water registered by the meter that may leak or waste through the plumbing or fixtures. The minimum charge for any billing period in which the vacancy occurs will accrue to reserve the allocation for the premise. Refunds for the minimum charge may be adjusted in the event the vacancy becomes permanent, such as in the event of a fire or condemnation where the structure is not rebuilt and a System Development Charge is paid for another structure.

- (f) Waiver of Late Fees.

Disputed charges. If the customer presents a written notice pursuant to section 5.4 or 5.5 above before the bill becomes delinquent, any disputed amounts above the minimum charge will be held in abeyance until the matter is resolved by the Customer Service Department. To avoid any late fees, the customer shall pay the balance due within ten (10) business days after a determination is made.

Undisputed charges. Late fees may be waived once within a twelve month period if the customer has not had any late payments or returned checks or bank drafts within that period.

- (g) Processing of Adjustment. If pursuant to a request for adjustment as filed above, it is determined that the bill was in error or that an adjustment should rightfully be made, a corrected bill shall promptly be prepared and the customer's account adjusted accordingly. No refunds shall be issued unless the customer has terminated service or in unusual circumstances as approved by the Director of Customer Service.

## **Section 5.5. Water and Sewer Bill Appeal**

- (a) Appeal by Customers of Water and/or Sewer Charges. Any customer who disagrees with a bill or refusal of a credit or refund for disputed water or sewer charges may make a written request for an appeal hearing to the Director of Customer Service. Such request shall be made within ten (10) days after the bill or notification of an assessment for a violation and/or service termination was received. The Director of Customer Service shall be the final decision maker for appeals and shall transmit a written copy of the final decision by registered or certified mail within ten days after hearing the appeal
- (b) Appeal by Customers of Assessments and Termination of Service. Any user who receives an assessment and/or has service terminated as a result of violations of the mandatory restrictions in these Regulations may make a written request for an appeal hearing to the General Manager. Such request shall be made within ten (10) days after notification of the assessment and/or service termination. The General Manager shall be the final decision maker for appeals and shall transmit a written copy of the final decision by registered or certified mail within ten days after hearing the appeal.

## **Section 5.6. Public and Private Information**

- (a) Public Information. The Authority shall consider all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business as public records in accordance with North Carolina General Statutes 132-1. All information shall be considered public unless protected by statutory or case law.
- (b) Access to Public Information. Public information shall be available in the offices of the Authority during regular office hours. Selected public information shall be maintained on the website. The General Manager may prescribe additional policies for requesting public information which may be amended or modified from time to time.
- (c) Cost for copies of public information. Copies of public information may be obtained upon payment of costs to reimburse Authority actual expenses to reproduce as set forth in the Rates and Fee Schedule. G.S. 132-1(b).

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(d) Protected Information. The following types of information may NOT be released to the public. In some instances they may be released to other governmental entities for the purposes of carrying out lawfully authorized purposes. Some information may be released with the consent of the customer. For further information contact the Director of Customer Services.

- i. Employee personnel records are confidential. However, the following information is a matter of public record: name, age, date of original employment; current position title, current salary, date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. G.S. 162A-6.1.
- ii. Legal documents pertaining to litigation or contractual negotiations G.S. 132.1.1(a) and G.S. 132-1.9
- iii. Business trade secrets. Any customer who wishes to protect any information submitted to the Authority on monitoring reports, permit applications, or other data must present a written request to the General Manager at or prior to submission of the information. This material will be held confidential if in the opinion of the General Manager that such represents bona fide trade secrets. G.S. 132-1.2
- iv. Minutes of closed sessions G.S. 143-318.10(e)
- v. Social security numbers and other personal identifying information. G.S. 132-1.10
- vi. Customer billing information G.S. 132-1.1(c)
- vii. Public security information such as plans and drawings of certain infrastructure. G.S. 132-1.7
- viii. Economic development project records G.S. 132-6(b)
- ix. Other information which is determined to be protected by Authority legal counsel.

## **ARTICLE VI. REDUCTIONS, INTERRUPTIONS, AND DISCONTINUANCES**

### **Section 6.1 Deposit for Special Meter Tests**

When special meter tests are performed at the request of the customer, that customer shall be required to deposit an amount prescribed in the fee schedule, which will be credited to the customer's account if the tested meter does not meet the American Water Works Association standards. No refund shall be made if the tested meter meets these standards.

### **Section 6.2. Temporary Interruptions**

Should it become necessary to shut off water from any section of the Authority's service area because of accidents or for the purpose of making changes or repairs, the Authority will endeavor to give timely notice to consumers affected thereby, and will, so far as practicable, use its best efforts to prevent inconvenience and damage arising from any such cause, but failure to give such notice will not render the Authority responsible or liable for damages that may result there from, or from any other cause.

### **Section 6.3. Other Interruptions**

In addition to other rights and remedies afforded to the Authority herein, the Authority may without notice discontinue or curtail service to prevent fraud or abuse, to protect the public health, legal process, direction of public authorities, or for strike, riot, fire, flood, accident or any other unavoidable cause.

### **Section 6.4. Irrigation Service**

The Authority may curtail or terminate Irrigation Service at anytime for any reason.

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## **Section 6.5 Involuntary Discontinuance of Service**

The Authority may discontinue service for one or more of the following reasons:

- i. Failure of a customer to pay charges for service within 30 days of billing. G.S. 162A-9(c)(2)
- ii. Failure of a customer to provide reasonable access to Authority-owned metering facilities on customer's property.
- iii. Refusal by a customer to pay for willful or negligent damage to Authority facilities on the customer's property.
- iv. Failure of a customer to redeem a worthless check and pay a fee as set from time to time and contained in the attached fee schedule within ten days of notice by the Authority.
- v. Existence of potential safety or health hazard to customer or Authority property and/or personnel.
- vi. Failure of customer to pay within 30 days any fees or charges assessed for violation of any portion of this ordinance.

## **Section 6.6. Restoration of Service**

- (a) Nonpayment of charges. Where water has been shut off for nonpayment of utility charges, the customer shall contact the Authority to resume the use of utility service. Upon paying all charges due and a fee prescribed in the fee schedule to cover the expense of cutting off and turning on the water, it may be turned on again within a time period as designated in administrative procedures established by the General Manager.
- (b) New customer. Where water has been shut off for nonpayment of utility charges by a previous customer, a new customer shall not be responsible for the past due charges, except in cases where the transfer is between customers related by blood or marriage or other relationship where the intent of the transfer is to avoid payment of past due charges.
- (c) Illegal reconnection. Where water has been turned off, no person shall turn it on again without the permission of the Authority. When consumption is discovered on a meter after the water has been cut off, the water shall be locked off at the curb stop. A fee prescribed in the fee schedule shall be charged for the expense of locking the curb stop, and a fee prescribed in said schedule shall be charged for turning on the water without permission. If the lock is later found to be broken or removed, the consumer shall be charged for the current cost of replacing the padlock and locking device. If it becomes necessary, the water may be turned off at the corporation stop at the main, in which case the consumer shall, before it is again turned on, pay in advance all costs and fees for both turning off the water and restoration of service.

## **Section 6.7. Voluntary Termination of Service**

Any person proposing to discontinue the use of Authority water and/or sewer service on a long-term or permanent basis must give notice of such purpose to the Customer Service Department using the format prescribed by the Authority. Any, such customer will be charged for the use of such water and/or sewer until notice is received and acted upon within a reasonable amount of time by the Authority.

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**ARTICLE VII. REMEDIES**

In addition to any other remedies provided for herein or in the Appendices hereto, the following remedies shall be available to the Authority for the violation of these Regulations and Ordinance, any wastewater discharge permit issued hereunder, any pretreatment standard or other requirement hereof: A Civil Penalty of not more than \$1,000 per violation. The amounts of Civil Penalties for various violations are set forth in the Rates and Fee Schedule. Each day's continuing violation shall constitute and be a separate and distinct offence. Any Person against whom a Civil Penalty is assessed shall be notified of the Civil Penalty and the reasons therefore by registered or certified mail. If the Person does not pay the Civil Penalty within 30 days of receipt of the notice, the Authority may institute a civil action to recover the amount due, the issuance of appropriate equitable relief by a court of competent jurisdiction.

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**ARTICLE VIII. MISCELLANEOUS**

**Section 9.1 Severability**

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

**Section 9.2 Conflict**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of these Regulations and Ordinance are hereby repealed to the extent of such inconsistency or conflict.

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