



ORDINANCE

Chapter I4 - Article III Town and Customer Responsibilities

Modifications to Sewer Lateral Ownership and Other Clarifications

WHEREAS, the following modifications to the code language seek to clarify town and customer responsibilities related to the water and wastewater system owned by the town; and

WHEREAS, the most significant modification is to change sewer lateral ownership responsibility of a sewer lateral serving a customer between the sewer main and right-of-way or easement regardless of presence of a sewer clean out to the town where formerly the customer would own to the sewer main where no sewer clean out was present.

NOW, THEREFORE, the Hillsborough Board of Commissioners ordains:

Section 1. Section 14-21. Town's responsibility and liability is modified as follows:

The town shall:

- (1) Own and maintain the town's water mains, including water service connections, within the public right-of-way or easement, to the water meter;
- (2) Own and maintain the town's sewer mains and sewer laterals existing within the public right-of-way or easement;
- (3) Refuse or terminate service if there is a cross connection to a private water supply, no backflow protection, or no sewer cleanout if one has been required under section 14-22(7) or other town policies or specifications;
- (4) Assume liability for damage only if such damage results directly from the town's negligence;
- (5) Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises or improper use of the system by the customer, guest or tenant;
- (6) Assume no liability for the negligence of third persons;
- (7) Be responsible for water services from the water main to the public right-of-way or easement, unless the water meter is located beyond the property line. In such cases, the town will be responsible for the water service to the meter, yet will reserve the right to relocate, or require relocation by the owner in the case of redevelopment, said water meter to the right-of-way or easement in accordance with the town specifications and standard details;
- (8) Be responsible for sewer laterals from the public sewer main to the public right-of-way or easement. If an existing sewer cleanout is not present at the public right-of-way or easement for ownership delineation, the town reserves the right to require installation of one by the owner in accordance with town specifications and standard detail. The town may agree to perform this work if resources allow but may require reimbursement and grant of property access from the customer.

Section 2. Section 14-22. Customer's responsibilities is modified as follows:

The customer shall:

- (1) Maintain the private water and sewer system at the customer's expense in a safe and efficient manner in accordance with the applicable state and local regulations.
 - a. The town shall not undertake to repair the town's water or sewer mains until it has been determined that the disrepair, stoppage, or other impediment to the proper functioning of such main exists within the town's system or that the town is otherwise responsible for having caused, created, or aggravated the disrepair, stoppage or other impediment.
 - b. If the customer claims that the cause of a disturbance or stoppage exists within the town's system and an investigation discloses that such disturbance was caused by or exists in the private system for which the customer is responsible, the customer shall pay to the town the actual cost of making such investigation.
 - c. If the investigation discloses that the cause of such disturbance or stoppage is in a part of the system for which the town is responsible and due to a defect in or failure of the piping for which the customer was not responsible, the town shall make such repair without charging the property owner for the repair or investigation.
- (2) Guarantee protection of town facilities or equipment located on the customer's property;
- (3) Pay the cost of relocating town owned facilities and equipment if performed at the customer's request;
- (4) Not make or cause to be made any cross connection with a private water supply;
- (5) Install proper and adequate backflow prevention devices where required by town code;
- (6) Install a pressure-reducing valve if deemed necessary by the town;
- (7) Install a sewer cleanout to town specifications and standard detail at the public right-of-way or easement when deemed required by the town for proper delineation and functioning of the system;
- (8) Be responsible to the town for damage to town property that is the fault of the customer, their guest or tenant. The cost of repairing or replacing such property will be added to the customer's monthly water bill or invoiced separately;
- (9) Secure and record any easements required to extend the public system or provide service to customer property, providing proof of recordation, if allowable by the town and in accordance with established town requirements;
- (10) Convey to the town, at no cost to the town, a perpetual easement or right-of-way across any property owned by the customer that is necessary to allow town access and maintenance of the public system as requested by such customer or developer with such easement or right-of-way satisfying established town requirements;
- (11) Be responsible for the water service and plumbing from the discharge end of the water meter to the served structure(s) and plumbing termination. If the existing water meter is not at the property line, the customer shall allow the town to access the property to relocate said water meter to the right-of-way or edge of easement.
- (12) Be responsible for the sewer lateral and plumbing from the boundary of the public right-of-way or easement to the served structure(s) and plumbing termination.

- (13) Be responsible for evaluation and full renewal or relocation of an existing water service or sewer lateral as deemed necessary in the case of redevelopment, or installation of any new water service and sewer lateral in the case of new development. Both scenarios require adherence to established town requirements.
- (14) Maintain sufficient clearances around town water and sewer apparatus located near or on customer's property to enable access, operation, and maintenance of said apparatus. No plants, objects, or structures shall be located within the required clearances. If any grading (raising or lowering of the existing ground level) is desired within this clearance, the customer shall coordinate with the town utilities department to ensure that the utility devices remain accessible, and customer shall be responsible for any costs of related modifications. Clearance requirements shall include the area completely surrounding each apparatus, as measured from the center point of the device (radius), as follows:
 - a. Fire hydrants: Three feet;
 - b. Manholes and concrete vaults: Six feet;
 - c. Water meters, valve boxes, sewer cleanouts, and other utilities apparatus not listed: Two feet.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 13th day of October in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk