



ORDINANCE

Revisions to Sections 14-15 and 14-19 of Town Code of Ordinances

The Hillsborough Board of Commissioners ordains:

Section 1. Section 15 of Chapter 14 of the Town Code of Ordinances, "Calculation of bill where equipment fails and leak adjustments," is replaced in its entirety as follows:

Sec. 14-15. - Billing adjustments.

Wasted clean water results in high utility bills for individual customers and higher rates for all customers. The town strives to promptly notify customers when usage is higher than normal as flagged in its meter reading and billing system. Customers shall promptly address any visible or suspected leakage, including high usage notices from the town. Leakage may include visible standing water in a crawl space or yard, a dripping faucet, or a running toilet due to a failed flapper or valve. When a customer receives a higher-than-normal bill, it is recommended that detailed notes with dates of corrective investigation, repair activity and communication regarding the high usage be preserved by customers in anticipation of supporting an adjustment request. This would include tenant/landlord communications in which a tenant may not have control over the promptness of leak repairs yet is responsible for paying the utility bill.

- (a) **Meter Failure:** If the meter fails to register the use of water by the customer, the customer's bill will be recalculated based on the average of the previous six months of usage, or on the available usage data, if less than six months.
- (b) **Water Leak:** If the customer demonstrates to the reasonable satisfaction of the town that a break in the water line on the customer's side of the meter or other plumbing failure has resulted in extraordinary charges, the town may recalculate the customer's bill upon request using the procedures set forth in this section. Qualifications for an adjustment include:
 - (1) The customer will be allowed one leak adjustment per rolling 12-month period when sufficient documentation has been provided to support the claim for an adjustment. Documentation includes a plumber, customer, or facility maintenance person's invoice and paid receipt along with an explanation of the situation on form(s) prescribed by the town.
 - (2) If the timing of a leak happens to split billing periods and the leak was repaired promptly as supported through narrative and documentation, an adjustment could be made for up to two consecutive billing cycles.
 - (3) A request for a leak adjustment must be made no later than 60 days after receipt of the first bill in which high usage was noted.

- (c) Special Irrigation Needs: Irrigation for newly laid sod or landscaping shall only be considered once every five years per residential address and only for a non-commercial entity. The customer shall adhere to all conditions of Section 14-19. Credit shall only be provided to the sewer portion of a bill for the amount used over the past six months average use or available usage data, if less than six months, and only if the customer is billed for sewer service.
- (d) Situations that generally do not qualify and will be at the Financial Services Department Director's discretion for billing adjustments include:
 - (1) Vandalism or theft, unless documented through a police report.
 - (2) Avoidable circumstances such as leaving a faucet running or failure to repair a known leak in a timely manner.
- (e) The following will not be considered for billing adjustments:
 - (1) Pool filling.
 - (2) Pressure washing.
 - (3) Vehicle washing.
 - (4) Meter tampering.
 - (5) Situations that are reimbursable by others such as insurance or through restitution.
- (f) Customers requesting an adjustment shall complete the form prescribed by the town in detail and provide all requested documentation in support of their request. The town retains the right to reject all adjustment requests for incomplete or missing information, and for unallowable or careless situations. The Financial Services Department Director can use discretion in evaluating any unique circumstances presented.
 - (1) Customers requesting an adjustment shall have accounts in good standing and no instances of meter tampering by that customer.
 - (2) Appeals to denied adjustment requests may be presented by the customer to the Water and Sewer Advisory Committee, a citizen volunteer group making recommendations regarding the town's Water and Sewer (Enterprise) Fund, at a regularly scheduled meeting with advance request. The Committee shall review the adjustment request, hear any additional information from the customer, and make a recommendation back to the Financial Services Department Director to stay or reconsider the adjustment. The Water and Sewer Advisory Committee does not have authority to make the determination. The Financial Services Department Director has the final decision-making authority.
- (g) Customers shall continue paying all monthly bills in full while the adjustment is being reviewed. Standard billing practices will continue to apply regarding penalties, fees, and disconnections.
- (h) The Financial Services Department will only discuss billing accounts with the account holder unless the account holder provides written permission for others with which to discuss their account details.

- (i) All adjustments will be applied to the active water and sewer account and will only be refunded by check if the account is closed.
- (j) No adjustment shall result in the bill being lower than the minimum base charges for that account.

Section 2. Modify the first sentence of Section 19(a) of Chapter 14 of the Town Code of Ordinances, "Irrigation system requirements," to read, "Spray irrigation, including temporary systems installed for the establishment of sod and landscaping, shall not occur more than three days per week."

Section 3. Replace Section 19(d)(2) of Chapter 14 of the Town Code of Ordinances, "Irrigation system requirements," in its entirety with the following language:

"Supplemental irrigation permits may be purchased by customers who need to be released from the above regulations to protect new plantings. The permit price is in the town's annual adopted fee schedule. The duration of the permit is 90 days from the issue date. To be eligible to receive a permit, a property must have an active building permit, or have received a certificate of completeness (occupancy) permit issued within the previous 90 days, or once every five years per address. Permits shall not be issued during water restrictions of Stage 2 or higher as defined in Section 14-40.3. Adjustments to the sewer portion of a bill may be available to noncommercial entities pursuant to Section 14-15(c) during the period of the permit."

Section 4. Add Section 19(e) to Chapter 14 of the Town Code of Ordinances, "Irrigation system requirements" as follows:

(e) Penalties.

- (1) The following penalties shall be incurred for violations of this section:

Violation				
1 st	2 nd	3 rd	4 th	5 th
Warning	Warning	\$250	\$500	\$1000

- (2) Should the violations reach beyond the 5th, the town may shut off the irrigation meter until compliance is demonstrated. Continued noncompliance may result in a civil suit.

Section 5. This ordinance shall become effective upon adoption.

[signature adoption page follows]

The foregoing ordinance having been submitted to a vote, received the following vote, and was duly adopted this 10th day of April in the year 2023.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk