

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 51 OF THE TOWN OF LANDIS  
CODE OF ORDINANCES

Ordinance #W&S-2023-10-9

**BE IT ORDAINED** by the Mayor and Board of Aldermen of the Town of Landis to update and modernize the water and sewer ordinance governing the operations, maintenance, growth and expansion of the Town's water and sewer systems.

**PART 1.** Upon adoption of this Ordinance to update and modernize the water and sewer ordinance, Chapter 51 of the Town of Landis Code of Ordinances is hereby repealed in its entirety and replaced with the provisions of Part 2 of this Ordinance.

**PART 2.** Upon adoption of this Ordinance to update and modernize the water and sewer ordinance, this Ordinance shall be known as the "Water and Sewer Ordinance of the Town of Landis" and if directed by the Town Manager, shall replace Chapter 51 of the Town of Landis Code of Ordinances to read as follows:

**"WATER AND SEWER  
ARTICLE 1  
GENERAL PROVISIONS**

**1. FEDERAL EFFLUENT STANDARDS APPLY.**

(A) The effluent standards and limitations contained in this subchapter shall be no less restrictive than the most nearly applicable federal effluent standards and limitations.

(B) In the event the effluent standards and limitations adopted in this subchapter are more restrictive than the most nearly applicable federal effluent standards and limitations, the federal standards shall apply.

**2. INTERFERENCE WITH WATER, SEWER SYSTEM PROHIBITED.**

(A) It shall be unlawful for any person, without having proper authority, to touch, tamper or in any manner, manipulate or turn the cut-offs on the water mains, water meters or fire hydrants forming a part of the water system of the Town, nor shall any person without having proper authority tamper with or harm in any manner whatsoever any water or sewer line, water meter, sewer manhole, fire hydrant or any apparatus thereto.

(B) No person shall throw or deposit any material or substance in any water or sewer line that will, in any manner, obstruct the line.

3. LIABILITY FOR OBSTRUCTED SEWER LINES.

Whenever it becomes necessary to open any sewer lines, which have become choked or obstructed by material being placed in them that will not dissolve, and whose fault is the property owner or the party using the property, the property owner shall be liable to the Town for the damage and shall bear the expense of opening the sewer.

4. PROHIBITION AGAINST TRESPASS ON, INTERFERENCE WITH WASTE OR WATER TREATMENT PLANTS.

It shall be unlawful for any person, without having proper authority, to trespass or, in any manner, interfere with any waste treatment plant, water treatment plant, raw water storage lakes or resources, standpipes, elevated tanks or sewer lift stations.

5. OBSTRUCTION OF WATER METER, FIRE HYDRANT PROHIBITED.

It shall be unlawful to plant or construct anything within ten feet of a water meter or fire hydrant that will, in any way, prevent the proper maintenance or accessibility of same.

6. CERTAIN DISCHARGES PROHIBITED.

It shall be unlawful to discharge or cause to be discharged any of the following substances in any sanitary sewer in the Town:

(A) Storm water, surface water, ground water, roof run-off or subsurface drainage, or any liquid or vapor having a temperature higher than 150°F;

(B) Water or waste which may contain more than 100 parts per 1,000,000 by weight, of fat, oil or grease, any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

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

(D) Water or wastes having a stabilized pH lower than six or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(E) Water or wastes having a biochemical oxygen demand in excess of 500 parts per 1,000,000 by weight;

(F) Water or waste containing more than 700 parts per 1,000,000 by weight of suspended solids;

(G) Water or waste containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant;

(H) Water or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the material at the sewage treatment plant; or

(I) Noxious or malodorous gas or substance capable of creating a public nuisance.

7. SCREENING DEVICES; BACKFLOW PREVENTERS.

(A) Screening devices shall be provided at commercial and industrial places when, in the opinion of town authorities, they are necessary for the proper screening of liquid wastes. All devices shall be of a type as approved by town authorities and shall be located so as to be readily accessible for cleaning and inspection and shall be maintained by the owner at their expense in continuously efficient operation at all times.

(B) Backflow preventers shall be provided at any service, when, in the opinion of the Town authorities, they are necessary to prevent backflows. All devices shall be of a type as approved by town authorities and shall be located so as to be readily accessible for maintenance and inspection and shall be maintained by the owners at their expense in continuously efficient operation at all times.

8. EMERGENCY REPAIR SHUT-OFF.

Any authorized town personnel can shut off any part of the Town water system for repairs without prior notice to those affected.

**ARTICLE 2**

**CONNECTIONS & EXTENSIONS TO SYSTEMS**

**1. GENERAL.**

(A) The Town of Landis provides water distribution and wastewater collection systems to serve properties whenever and wherever systems exist. These systems are extended from time-to-time either by the public investment of the Town, or by the private investment of land development enterprises. When private development expands these systems, those extensions and related appurtenances shall be dedicated to the Town of Landis upon completion and certification of satisfactory installation and operations. Extensions by private development enterprises are governed by the Landis Development Ordinance (LDO) and by Development Agreements required by the LDO when infrastructure is created by private development activities.

(B) The Town of Landis maintains all publicly dedicated and accepted public water and sewer system infrastructure, including water lines, sewer lines, pumping infrastructure, water storage tanks, hydrants, manholes, and related appurtenances. In addition to these primary infrastructure systems, the Town of Landis also maintains the service connections from private properties from the point of connection extending to the edge of the public street right-of-way and/or edge of the water and/or sewer easement when lines are located across private property. Maintenance and/or repair beyond public right-of-way and/or easement

boundaries are the responsibility of the property owner being served by the connection. The Town of Landis Utilities/Public Works Department shall have the right to discontinue service to any property that does not maintain the plumbing or abide by the North Carolina Plumbing Code.

(C) Prior to submittal of construction plans for extensions to the Town of Landis Water System, it shall be the responsibility of the Developer to schedule a field test of the flow rate and residual pressures of the nearest hydrants in each direction of the point of connection on the existing system. Town personnel shall be accommodated to observe the test procedures. Test shall be timed to enable the calculation of the water discharged during the test at the measured flow rate. Applicable fees for the water discharged during the test shall apply and be paid to the Town prior to the authorization to the pre-construction conference held by the Landis Planning, Zoning & Subdivision Administrator before construction begins.

(D) Prior to submittal of construction plans for extensions to the Town of Landis Sewer System, it shall be the responsibility of the Developer to schedule a field test of the flow rate of all pumping stations receiving flows from the point of connection on the existing system. Town personnel shall be accommodated to observe the test procedures.

## 2. POTABLE WATER SUPPLY.

(A) It shall be unlawful for any person to occupy or to rent to or permit another person to occupy, for more than 24 hours, any building or other structure intended or designed for human habitation, occupancy or use, without first connecting the building or structure to the city water system or without providing potable water from some other source known to be pure and which meets the approval of the county health authorities.

(B) Each day after the first 24 hours that a residence is rented or occupied without pure water being provided as aforesaid shall constitute a separate offense.

## 3. TOWN SEWER SYSTEM.

(A) Every person owning a house or other building or structure designed or intended for human habitation, occupancy or use, the property line of which is within 200 feet of a Town sanitary sewer, shall connect the premises to the sanitary sewer.

(B) The provision of division (A) of this section shall become applicable to owners of properties described therein when new or extended town sanitary sewer lines are laid, and the owners of the properties shall have 180 days from the time the new or extended sewer lines are laid in which to make the connections required by division (A) of this section.

(C) For any property owner who desires to connect to the Town sewer system and the Town sewerage system cannot serve the applicant's property by gravity flow from the property, it shall be the responsibility of the property owner to install and maintain a lift station or sewer pump that shall enable the property owner to discharge their sewage into the Town sewerage system. All lift stations or sewer pumps so installed shall be installed pursuant to the specifications and requirements of the Town. The property owner shall be required to pay all sewer taps required by the Town.

4. SEPTIC TANKS.

(A) Properties where the Town is unable to provide sewer service, a septic tank system that is approved by the County Health Department will be allowed. Upon written application by a property owner requiring a septic tank, the applicant shall install this system at his, her or its own expense; this installation shall be made pursuant to the specifications and requirements of the County Board of Health; and the Town shall maintain the septic tank until there are sewer system facilities available to him, her or it.

(B) If the Town is unable to provide sewer service, a septic tank system approved by the County Health Department will be allowed. As soon as community sewer service is available, the septic tank system shall be disconnected, and connection made to community sewage system within six months and upon payment of all sewer tap fees.

(C) Properties annexed into the Town with existing on-site septic sewer systems enrolled into the Septic/Sewer Program of municipal maintenance, may opt out by submitting a completed "Town of Landis Septic/Sewer Audit Form" indicating the property owner's preference to be removed from the program.

5. TAP CHARGES.

The schedule of charges is established annually as part of the Annual Budget for water and sewer taps. Tap charges only apply in instances whereupon the Town of Landis performs installation services for new or replacement connections.

6. AUTHORIZED PERSONS.

No connections with the water or sewer system of the Town shall be made by any other person than one specifically employed or designated by the Town for that work, or by someone under their directions, and then only upon permit duly issued by the Director of Public Works.

**ARTICLE 3**

**BILLING**

1. MAINTENANCE AND USE OF METERS.

(A) All meters, meter boxes, pipes and other equipment furnished and used by the Town in installing any water or sewer connection shall be and remain the property of the Town.

(B) All meters, except as are required to be furnished by particular users of water, shall be kept in good repair, and working order by the Town and at the expense of the Town, except repairs can be charged to property owners for abuse of the meter and equipment. Meters furnished by particular users of water shall be kept in good repair and working order by the Town, but the expense thereof shall be borne by the users.

(C) Mobile home parks can be serviced by one meter.

(D) Not more than one house, outbuilding excepted, can be connected to or be served by one water meter. In case it already exists, the minimum number will be charged for water and sewer and service charges to correspond with the actual number being served; provided that, any separate dwelling or place of business constructed after the approved date of this chapter shall be connected to the water system of the Town through a separate meter. Readings from different meters shall not be combined into one account for billing.

2. SEWER SERVICE RATES.

(A) The Town's sanitary sewer service rates shall be established from time to time by the Board of Alderpersons.

(B) A current schedule of the rates shall be maintained on file in the office of the Town Clerk.

3. WATER RATES AND DEPOSITS.

(A) The water rates for water furnished by the Town shall be established from time to time by the Board of Alderpersons. A current schedule of the rates shall be maintained on file in the office of the Town Clerk.

(B) Deposits for new accounts.

(1) The deposits required for town water service shall be as established from time to time in the annual budget.

(2) A current schedule of the deposits shall be maintained on file in the office of the Town Clerk.

4. METER READING.

All water meter readings shall be retrieved monthly.

5. SEWER CHARGES.

Sewer charges are based upon water meter readings. Septic/Sewer Program charges are as they appear in the fee schedule appearing in the current operating budget. Charges for sewer services are due and payable on the same date as water charges.

6. DISCONNECTION FOR LATE PAYMENT.

(A) 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:

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

(2) 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 ten days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his 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.

(B) 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.

(C) 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 as determined by the Utility Department.

#### ARTICLE 4

#### WATER OR SEWER MAIN EXTENSIONS

##### 1. EXTENSIONS.

All extensions of water or sewer mains shall be financed by the individual, developer, or corporation under a written contract in the form of a Development Agreement between the Town and the person requesting the extension, and the contract shall be approved by the Board of Alderpersons to become effective.

##### 2. TOWN PARTICIPATION IN FUNDING EXTENSIONS.

Upon written application by an individual, developer or corporation desiring extension of water or sewer mains to property, the mains may be extended with the Town participating in the cost of the extension, based on availability of funds; provided that, the property or site of development is either located within the corporate limits of the Town, or annexed into the corporate limits under the procedure stated in the G.S. §§ 160A-29 through 160A-58.6.

The annexation shall occur prior to construction of the extended mains. A written contract in the form of a Development Agreement between the Town and the person requesting the extension shall be prepared and the contract shall be approved by the Board of Alderpersons to become effective. The difference between the Town's participation and the actual cost of construction of extending the water or sewer main shall be paid by the applicant requesting the extension. The extended line and a dedicated easement shall become the property of the Town and be subject to its control.

## ARTICLE 5

### WATER EMERGENCIES

#### 1. EMERGENCY CONDITIONS.

(A) A water emergency shall exist when any condition or situation exists which threatens the safety or supply of either untreated or potable water contained within the water supply, treatment, and distribution systems of the Town or within the system of the municipal, commercial and industrial customers.

(B) Determination of whether specific situations are considered to be water emergencies shall be made by the Public Works Director or their designee.

(C) Water emergency situations shall include, but not be limited to, drought or periods of insufficient raw water supply, mechanical system failure, system contamination or contamination of raw water supply and fires of magnitude such that system integrity is threatened.

#### 2. DECLARATION; IMPOSITION OF RESTRICTIONS.

The Public Works Director or their designee, after consultation with the Board of Alderpersons, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Level I), mandatory (Level II), mandatory (Level III) or mandatory (Level IV) staged water use restrictions, as described in this subchapter, shall be imposed upon water customers.

#### 3. STAGED WATER USE RESTRICTIONS BY LEVEL.

(A) During a declared Level I water emergency, the following voluntary water conservation practices shall be encouraged.

(1) Watering of lawns and ornamental plants should be limited to that necessary for plant survival only.

(2) Planting of new ornamental plants or seeding of lawns should be deferred until the water emergency situation no longer exists.

(3) Household water should be reutilized to the greatest extent possible for watering.

(4) Use of water for washdown of outside areas as driveways or parking lots should be curtailed.

(5) Faucets should not be left running while shaving, brushing teeth or washing dishes.

(6) The use of washing machines and dishwashers should be limited, if possible, and these units should be operated with full loads when used.

(7) Noncommercial washing of cars or other vehicles should be curtailed or limited to Saturdays and Sundays. Hoses should not be left running while washing vehicles.



- (8) The use of flow restrictors and other water saving devices is encouraged.
- (9) Showers used for bathing should be limited to four minutes or less.
- (10) Filling of pools should be deferred or limited to the hours between 9:00 p.m. and 6:00 a.m.
- (11) Commercial and industrial operations shall eliminate all possible wastage of water.

(B) During a Level II water emergency, the following mandatory water restrictions shall be in effect.

- (1) Household water shall be reutilized to the greatest extent possible for watering.
- (2) Faucets shall not be left running while shaving, brushing teeth or washing dishes.
- (3) The use of washing machines and dishwashers shall be limited. These units should be operated with full loads when used.
- (4) Irrigation of lawns and ornamental plants shall not be done, except during the hours between 9:00 p.m. and 6:00 a.m. Variances for commercial irrigation may be issued and/or revoked by the Director of Public Works or their designee depending on the severity of the situation.
- (5) Planting of new ornamental plants or seeding of lawns shall be deferred until after the water emergency no longer exists.
- (6) Use of water for washdown of outside areas is prohibited.
- (7) Noncommercial washing of cars and other vehicles shall be prohibited, except on Saturdays and Sundays. Commercial washing facilities, including those providing hand-held washing nozzles, may continue normal operation. However, facility/owner operations shall ensure that water wastage does not occur.
- (8) Commercial and industrial operations shall eliminate all possible wastage of water.
- (9) Newly constructed or drained pools shall be filled by permit only. Fill permits shall be issued by the Public Works Director or their designee, and issuance of permits may be curtailed depending on the severity of the situation.

(C) During a declared Level III water emergency, the following mandatory water use restrictions shall be in effect.

- (1) Irrigation of lawns and other plants is prohibited.
- (2) Washing of cars, vehicles and equipment is prohibited.
- (3) Restaurants and food serving establishments shall utilize disposable service utensils and plates in all cases.
- (4) Recreational use of potable water, including filling of pools, is prohibited.

(5) Large scale commercial and industrial water customers utilizing 5,000 or more gallons of water per day shall achieve mandatory reductions in daily water usage through whatever means are available. A target reduction percentage shall be determined by the severity of the water emergency and shall be publicly announced and is part of the emergency declaration. Compliance with daily usage reduction targets shall be determined by the Public Works staff. Variances to this restriction may be granted by the Director of Public Works or their designee to designated public health facilities.

(D) During a declared Level IV water emergency, the following mandatory water use restrictions shall be in effect.

(1) All use of water for purposes other than maintenance of public health and safety is prohibited.

(2) Where the Town system is still functional, daily residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation and personal hygiene.

(3) Where the Town system is not functional, National Guard and emergency service vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to the amount necessary to sustain life through drinking, food preparation and personal hygiene.

#### 4. LEVEL III COMPLIANCE PLANS REQUIRED.

Commercial and industrial water customers utilizing 5,000 or more gallons per day shall prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Level III emergencies.

### ARTICLE 6

#### BACKFLOW PREVENTION

##### 1. CROSS CONNECTION CONTROL.

(A) Purpose. The purpose of this cross-connection control section is:

(1) To protect the public potable water supply of the Town from the possibility of contamination or pollution, due to backsiphonage or back pressure, by isolation within the consumer's private water system such contaminants or pollutants, which could backflow into the public water system.

(2) To define the authority of the Town as the water purveyor entitled to eliminating all cross connections, new or existing, within Landis Utilities Water System.

(3) To provide a continuing inspection program of cross connections, which may be installed in the future.

(B) Responsibility: Town of Landis.

(1) Landis Utilities will be primarily responsible for preventing any contamination or pollution of the Landis Utilities Water System. This responsibility begins at the point of origin of the public water supply and includes all of the public water distribution system and ends at the service connection under the Safe Drinking Water Act. The Backflow Administrator shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the public potable water system.

(2) When it has been determined that a backflow protection assembly is required for the prevention of contamination of the Landis Utilities Water System, the Backflow Administrator shall notify the owner, in writing, of any such building or premises, to correct within a time set by this section, any plumbing installed or existing that is in violation of this section.

(3) After surveying the private water system, the Backflow Administrator will select an approved backflow prevention assembly required for containment control to be installed at service entrance.

(4) Prior to the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.

(C) Responsibility: Customer.

(1) The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the Town. The customer, at his own expense, shall install, operate, and maintain all backflow prevention assemblies specified within this section.

(2) If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this section the Town may assert any available action against the tenant to assure the private water system is brought into compliance with this section.

## **ARTICLE 7**

### **DEFINITIONS.**

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

**AIR GAP SEPARATION.** An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air gap separation

shall be double the diameter of the supply pipe. In no case shall the air gap separation be less than one inch. An approved air gap separation is an effective method to prevent backflow and shall be considered as a backflow prevention assembly.

**ATMOSPHERIC VACUUM BREAKER.** A device used to prevent back-siphonage, which is designed so as not to be subject to static line pressure.

**BACK PRESSURE.** Any elevation of pressure in the down stream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow.

**BACK SIPHONAGE.** A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

**BACKFLOW.** Any reverse flow of water, gas or any other liquid substance or combination into the public water system from any source due to an unprotected cross-connection.

**BACKFLOW PREVENTION ADMINISTRATOR.** An employee of the Town designated by the Public Works Director to administer and enforce this subchapter.

**BACKFLOW PREVENTION ASSEMBLY – APPROVED.** An assembly that has been investigated and approved by the Town of Landis Water Department and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Waterworks Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.

**CERTIFIED TESTER.** Any individual person who has proven their competency to test, repair, and overhaul backflow prevention assemblies. This person must hold a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control.

**CONSUMER/CUSTOMER.** Any person, firm, or corporation using or receiving water from the Town of Landis public water system.

**CONTAINMENT.** The prevention of backflow from a private water system by an approved, properly functioning backflow prevention assembly, which is installed, operated and maintained in accordance with the provisions of this subchapter.

**CONTAMINATION.** An impairment of the quality of the water to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.

**CROSS CONNECTION.** Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas or substance which could be harmful or hazardous to the potable water system.

**DOUBLE CHECK VALVE ASSEMBLY.** An assembly composed of two single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the device and suitable connections for testing the water tightness of each check valve.

**DUAL CHECK VALVE.** A device composed of two single, independently acting, approved check valves. This is classified as a device and cannot be in-line tested.

**HAZARD-DEGREE.** The evaluation of a hazard within a private water system as moderate or high.

**HAZARD-HIGH.** An actual or potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.

**HAZARD-IMMINENT.** An actual threat of contamination to the public water system that could cause serious illness or death.

**HAZARD-MODERATE.** An actual or potential threat of damage to the physical components comprising the public water system or a customer's potable water system, or of pollution to the public water system, or to a customer's potable water system.

**POLLUTION.** An impairment of the quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

**POTABLE WATER.** Water from any source, which has been approved for human consumption by the appropriate agency of the State of North Carolina, Town of Landis and /or local health agencies.

**PRESSURE VACUUM BREAKER.** An assembly suitable for continuous pressure, to be used to provide protection against back-siphonage.

**PRIVATE WATER SYSTEM.** Any water system located on the customer's premise, whether supplied by a public potable water system or an industrial piping system.

**PUBLIC WATER SYSTEM.** The potable water system owned and operated by the Town of Landis. This system includes all distribution mains, lines, pipes, connections, storage tanks, and other facilities conveying potable water to the service connections of each customer.

**REDUCED PRESSURE ZONE ASSEMBLY.** An approved, properly functioning assembly containing two, independently acting check valves with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly. This assembly is designed to protect against a high hazard.

**SERVICE CONNECTION.** The terminal end of a service connection from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

**USED WATER.** Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

**WATER PURVEYOR.** Owner or operator of a public potable water system providing an approved water supply to the public.

**WATER SUPPLY-AUXILIARY.** Any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

**WATER SUPPLY-UNAPPROVED.** Any water supply, which has not been approved for human consumption by the North Carolina Department of Human Resources.

## **ARTICLE 8**

### **WATER SYSTEM RULES & REGULATIONS**

#### **1. RIGHT OF ENTRY.**

(A) Any authorized representative from the Town shall have the right to enter any building, structure, or premises during normal business hours to perform any duty imposed upon him by this section and in accordance with Appendix D104.2.1 of the State Plumbing Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes will result in the disconnection of water service.

(B) On request, the consumer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross connection and backflow are deemed possible. (State Plumbing Code Appendix D104.2.3)

#### **2. UNPROTECTED CROSS-CONNECTION PROHIBITED.**

The following rules and regulations apply to Landis' water systems(s):

(A) No water service connection to any private exterior or interior water system shall be installed or maintained by Landis Utilities unless the water supply is protected as required by this section and other applicable laws. Service of water to any premises shall be discontinued by the Town if a backflow assembly, required by this section, is not installed, tested, and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will be restored after all such conditions or defects are corrected.

(B) No customer shall allow an unprotected cross connection to be made or to remain involving the customer's exterior or interior private water system.

(C) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.

(D) No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this section.

(E) No customer shall fail to submit to the Town any record, which is required by this section.

### 3. INSTALLATION.

Installation and testing of backflow prevention assembly.

(A) The purpose of this division is to require that all water flowing from the Landis Utilities Water System must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the Landis Utilities Water System from any possible contamination or pollution.

(B) The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor. All backflow prevention assemblies may be tested by a certified backflow technician authorized by the Town of Landis.

(C) All new construction plans and specifications which will directly effect Landis Utilities, and/or are required by the State Building Code, the State Division of Environmental Health (N.C. DENR), and town or county planning and zoning offices, shall be made available to the Town's Backflow Administrator for review, approval, and to determine the degree of hazard.

(D) All existing facilities zoned commercial or industrial and have existing water services with Landis Utilities and requesting certificate of compliance from the Town or County Planning and Zoning Offices **having jurisdiction over the affected properties**, shall be inspected for compliance of backflow and cross connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release certificate of compliance.

(E) All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.

(F) If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to zoning or DOT rights-of-way, an approved backflow assembly must be installed on every branch of plumbing installed between the service meter and the service backflow assembly.

(G) Any branch of plumbing installed on the private water system that may be of a greater hazard than the supply line, (example: chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure assembly.

(H) All backflow prevention assemblies shall be installed in accordance with the Town's "Backflow Prevention and Cross Connection Control Manual", (which is incorporated herein

by reference as if written below), and/or the manufacturer's instructions, whichever is most restrictive.

(I) All double check valve assemblies, two-inches or larger, must be installed in a watertight drainable pit wherever belowground installation is necessary in accordance with detailed specifications provided in the Backflow Prevention and Cross Connection Control Manual. If drain cannot be provided, the assembly must be installed above the ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Backflow Administrator, provided that the flow of water is in an upward direction.

(J) Reduce pressure assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances. Pit installations are prohibited.

(K) Each backflow prevention assembly that is required must function properly at time of installment. Each customer will be required to test, maintain, and repair each assembly required which is a part of the customer's private water system. A certified backflow prevention technician may only conduct such test. Testing shall be done immediately following installation of any backflow prevention assembly and on an annual or semiannual basis depending the degree of hazard. Reports of the annual or semi-annual testing shall be submitted to the Town of Landis within 30 days of the test.

(L) If repair is found necessary on an assembly it must be retested following any repair. A complete duplicate copy of any testing and/or repair shall be sent to the Town within 30 days of completion of test or repair. Each customer must maintain a complete copy of test or repair. Each customer must maintain a complete copy of any test or repair for no less than five years. All test and repair records must be maintained on forms approved by the Backflow Administrator of the Town.

(M) All rubber components must be replaced every five years or as often as needed.

(N) Any customer installing a reduced pressure (RP) or double check valve assembly (DCVA) must provide the following information to the Backflow Administrator within ten days after installation:

- (1) Service address where assembly is located;
- (2) Owner;
- (3) Description of assembly's location;
- (4) Date of installation;
- (5) Type of assembly;
- (6) Manufacturer;
- (7) Model number;
- (8) Serial number; and
- (9) Test results/reports.

(O) The Backflow Administrator must approve each backflow assembly required by this section. Unapproved backflow assembly must be replaced, within a time set by the Backflow Administrator, with an approved backflow assembly. For a list of approved backflow



assemblies reference the Town's "Backflow Prevention and Cross Connection Control Manual."

(P) If it has been determined that a customer must install a backflow prevention assembly, the Backflow Administrator will provide the customer with a letter of notification. The following time periods shall be set forth for the installation of the specified assemblies:

- (1) Health hazard                      60 days (unless otherwise stated by the Town)
- (2) Non-health hazard                90 days (unless otherwise stated by the Town)

(Q) If an imminent hazard or unreasonable threat of contamination or pollution to the Landis Utilities Water System is detected, the Backflow Administrator may require the installation of the required backflow assembly immediately or within a shorter time period than specified in division (P) of this section.

(R) If a customer does not wish for water service to be interrupted when a backflow assembly is tested, repaired, or replaced, a parallel installation must be made using an approved assembly of the same degree of hazard. The parallel line may be of the same size or smaller.

(S) The Town of Landis has the right to pursue any and all remedies, including legal action, to correct contamination resulting from a failed backflow prevention device. Responsibility for the proper operation and maintenance of backflow prevention devices shall belong to the entity owning the device.

#### 4. DEGREE OF HAZARDS.

(A) Determining Degree of Hazard.

(1) No service shall be completed until the Backflow Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.

(2) Any customer making any modification to their private exterior or interior water system configuration and/or changes the usage of the exterior or interior water system, which may change the degree of hazard, the customer shall notify the Backflow Administrator before any modification is made. If the Backflow Administrator determines that such modification requires a different backflow prevention assembly, that assembly must be installed before the modification is made or the usage is changed.

(3) The following types of facilities or services have been identified by Landis Utilities as having a potential for backflow or non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed in this division may also be required to install approved backflow prevention assemblies if determined necessary by the Town's Backflow Administrator. As a minimum requirement, all commercial services will be required to install a double check valve assembly unless otherwise listed as follows:

DCVA = Double check valve assembly

RP = Reduced pressure assembly

DCDA = Double check detector assembly

RPDA = Reduced pressure detector assembly

AG = Air gap

PVB = Pressure vacuum breaker

Aircraft and missile plants: RP

Automotive service stations, dealerships, etc.:

No health hazard: DCVA

Health hazard: RP

Automotive plants: RP

Auxiliary water systems:

Approved public/private water supply: DCVA

Unapproved public/private water supply: AG

Used water and industrial fluids: RP

Bakeries:

No health hazard: DCVA

Health hazard: Hazard

Beauty shops/barber shops:

No health hazard: DCVA

Health hazard: RB

Beverage bottling plants: RP

Breweries: RP

Buildings--Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections:

(Under five stories) No health hazard: DCVA

(Under five stories) Health hazard: RP

(Over five stories) All: RP

Canneries, packing houses, and rendering plants: RP

Chemical plants--Manufacturing, processing, compounding or treatment: RP

Chemically contaminated water system: RP

Commercial car-wash facilities: RP

Commercial greenhouses: RP

Concrete/asphalt plants: RP

Dairies and cold storage plants: RP

Dye works: RP

Film laboratories: RP

Fire systems:

No health hazard: DCDA

Health hazard (booster pumps, foams, antifreeze solution, etc.): RPDA

Hospitals, medical buildings, sanitarium, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

Individual commercial sales establishments (department stores):

No health hazards: DCVA

Health hazard: RP

Industrial facilities:

No health hazard: DCVA

Health hazard: RP

Laundries:

No health hazard: DCVA

Health hazard (i.e., dry cleaners): RP

Lawn irrigation systems:

Health hazard: RP

Malls or strip malls (frequent tenant change and photo labs, etc.):

Health hazard: RP

Metal manufacturing, cleaning processing, and fabricating plants: RP

Mobile home parks:

No health hazard: DCVA

Health hazard: RP

Oil and gas production, storage or transmission properties: RP

Paper and paper products plants: RP

Pest control (exterminating and fumigating): RP

Plating plants: RP

Power plants: RP

Public swimming pools: RP

Radioactive materials or substances--Plants or facilities handling: RP

Restaurants:

No health hazard: DCVA

Health hazard: RP

Restricted, classified, or other closed facilities: RP

Rubber plants (natural or synthetic): RP

Sand and gravel plants: RP

Schools, and colleges: RP

Sewage and storm drain facilities: RP

Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by Landis Utilities.

(4) Filling of tanks/tankers or any other container from a Town-owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and backflow protection, at which point Landis Utilities will issue a permit for that tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross connection to the Landis Utilities water system and will be subject to fines.

(5) If a cross connection control inspector is unable to survey any portion of a private exterior or interior water system to determine the degree of hazard, due to confidential activities, a reduced pressure assembly will be required.

(B) Low hazard.

(1) All single-family residential homes will be considered a low hazard and shall have a minimum of a dual check valve device installed at the meter service. Dual check valves shall not be in-line tested.

(2) If no other backflow prevention assembly is specified a double check valve assembly must be installed on all private water systems.

(C) Imminent hazard.

(1) If it has been determined that a customer's private water system has an imminent hazard, such customer must install a backflow prevention assembly specified by the Backflow Administrator and this section. This assembly must be installed within 24 hours of notification from the Backflow Administrator. If the customer fails to install the specified assembly within the allowed time limit, water service to the customer's private water system will be terminated and may be subject to specified civil penalties. If the Backflow Administrator is unable to notify the customer in 24 hours of determining an imminent hazard exist, the Backflow Administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act (Title XIV, Section 1431) and the State Plumbing Code (Appendix D104.2.6).

(2) Only a backflow prevention assembly offering a greater degree of protection may be installed in place of a specified assembly required by this section.

5. NOTICE OF CONTAMINATION OR POLLUTION.

(A) If the customer's private exterior or interior water system becomes contaminated or polluted the customer shall notify Landis Utilities immediately.

(B) If a customer has reason to believe that a backflow incident has occurred between the customer's private exterior or interior water system and the Landis Utilities Water System, the customer must notify Landis Utilities immediately in order that appropriate measures may be taken to isolate and remove the contamination or pollution.

6. VIOLATIONS.

(A) Notification of violations.

(1) A written notice must be presented to any customer/person who has been found to be in violation of any part of this subchapter.

(2) Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed 30 days after receiving notice unless otherwise specified by the time period chart (see Art. 8, Sect. 2(P)). If the violation has been determined by the Administrator to be an imminent hazard the customer shall be required to correct the violation immediately.

(3) In the event a customer is found in violation of this subchapter and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service will be terminated.

(B) The violation of any section of this subchapter may be punished by a civil penalty listed as follows:

(1) Unprotected cross connection involving a private water system, which has an imminent hazard - \$1000 per day not to exceed \$10,000.

(2) Unprotected cross connection involving a private water system, which is of a moderate or high hazard - \$500.

(3) Submitting false records or failure to submit records, which are required by this subchapter - \$500.

(4) Failure to test or maintain backflow prevention assemblies as required \$100 per day.

(C) Reduction of penalty.

(1) The Administrator may reduce or dismiss any civil penalty imposed under this section if the Administrator has determined that the person charged with the violation has no past history of violation in a timely manner as set by the Administrator:

(2) No civil penalty shall be reduced if it has been determined the violation was intentional.

(3) Any person violating any part of this subchapter must reimburse the Town of Landis for any expenses in repairing damage to the public water system caused by any violation and any expenses incurred for investigating a violation.

**ARTICLE 9  
SEWER USE**

**1. DEFINITIONS.**

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

**B.O.D.** (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, as set out herein, expressed in milligrams per liter.

**C.O.D.** (denoting **CHEMICAL OXYGEN DEMAND**). The quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods, as set out herein, expressed in milligrams per liter.

**COLOR.** The “true color” due to substances in solution which cause any variation in the hue of the receiving stream and which is expressed in parts per million.

**COMPATIBLE POLLUTANT.** B.O.D., suspended solids, pH and fecal coliform bacteria, and the additional pollutants as are now or may be in the future specified and controlled in the Town’s NPDES permit for its wastewater treatment works, where the works have been designed and used to reduce or remove the pollutants.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

**DIRECTOR.** The Director of Public Works of the Town or their duly authorized representative.

**DOMESTIC WASTES.** Liquid wastes from the noncommercial preparation, cooking and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

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

**GARBAGE.** Solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of food.

**HEARING AUTHORITY.** The Director of Public Works or their duly appointed deputies, agents or representatives.

**INCOMPATIBLE POLLUTANT.** Any pollutant which is not a “compatible pollutant”, as defined in this chapter.

**INDUSTRIAL USER.**

(1) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

- (a) Division A: Agriculture, Forestry and Fishing;
- (b) Division B: Mining;
- (c) Division C: Manufacturing;
- (d) Division E: Transportation, Communications, Electric, Gas and Sanitary Services; and
- (e) Division I: Services.

(2) Any nongovernmental user of a publicly-owned treatment works which discharges wastewater to the Town’s sanitary sewers which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by intersection with other wastes, to contaminate the sludge of the Town’s systems or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a nuisance or creates any hazard in or has an adverse effect on the waters receiving any discharge from the Town’s wastewater treatment system.

(3) Any commercial user of an individual system constructed with grant assistance under § 201(h), subpart 35 of the Clean Water Act, being 33 U.S.C. § 1281.

**INDUSTRIAL WASTEWATER.** The liquid wastes from industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

**INFILTRATION.** The water entering a sewer system, including sewer service connections, from the ground, through the means such as, but not limited to, defective pipes, pipe joints,

connections or manhole walls. INFILTRATION does not include, and is distinguishable from, “inflow”.

INFLOW. The water discharged into a sewer system, including service connections from the sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. INFLOW does not include, and is distinguished from, “infiltration”.

I.O.D. (denoting IMMEDIATE OXYGEN DEMAND). The quantity of oxygen utilized by an industrial waste discharge in excess of that normally attributable to sewage, as measured by using standard laboratory methods, as set out herein, expressed in milligrams per liter.

MAXIMUM PERMISSIBLE DOSE. A dose of radiation to any part of the body, internal or 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 their lifetime.

MUNICIPALITY. Any city, town, county, sanitary district, sewer district, association, other municipality or other public body created under state law or having jurisdiction over the disposal of domestic or industrial wastes.

MUNICIPAL USER. Any municipality, as defined in this chapter, which desires to discharge domestic or industrial wastewater into the sanitary sewers of the Town or into sewers which ultimately discharge into the sanitary sewers of the Town, for the purpose of wastewater treatment and disposal.

NH<sub>3</sub> (denoting nitrogen as AMMONIA). The initial decomposition of nitrogenous organic matter as measured by using standard laboratory methods, as set out herein, expressed in milligrams per liter.

NPDES (denoting NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM). The program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone and the oceans pursuant to § 402 of the Clean Water Act, being 33 U.S.C. § 1342.

PERSON. Any individual, firm, company, partnership, corporation, association, group or society, including the state and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

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

PPM. Parts per million by weight, expressed in pounds.

PRETREATMENT. Application of physical, chemical and biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties of wastewater prior to discharging the wastewater into the publicly-owned wastewater treatment system.



**PRETREATMENT STANDARDS.** All applicable federal rules and regulations implementing § 307 of the Clean Water Act, being 33 U.S.C. § 1317, as well as any nonconflicting state or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have 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 one-half inch in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and which is controlled by the Town.

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

**SANITARY SEWER.** A sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this subchapter, without admixture of surface and storm water.

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

**SEWAGE WORKS.** All facilities for monitoring, collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**STORM SEWER OR STORM DRAIN.** A sewer which carries storm or surface waters and drainage, but excludes sewage and industrial wastes.

**STORM WATER.** Any water flow occurring during or immediately following any form of natural precipitation and resulting therefrom.

**SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

**TKN (denoting TOTAL KJELDAHL NITROGEN).** The sum of the ammonia nitrogen and organic nitrogen as measured by using standard laboratory methods, as set out herein, expressed in milligrams per liter.

**UNPOLLUTED WATER.** Water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

**USER.** Any person who discharges, or causes or permits the discharge of, wastewater into the Town's wastewater treatment system.

**USER CLASSIFICATION.** A classification of users based on the Standard Industrial Classification (SIC) Manual prepared by the office of management and budget.

**WASTEWATER.** The liquid- and water-carried domestic or industrial wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, together with any ground water, surface water and storm water that may be present, which is discharged into or permitted to enter the Town's wastewater treatment system.

**WASTEWATER TREATMENT SYSTEM.** Any devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers; outfall sewers; sewage collection systems; pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, as standby treatment units and clear well facilities; and the wastewater treatment plant site or land which is used for ultimate disposal of residues resulting from the treatment.

## 2. PROHIBITED DISCHARGES.

(A) Wastewater discharges generally. No person shall discharge or deposit, or cause or allow to be discharged or deposited, into the wastewater treatment system any wastewater which contains the following, except as **provided under Section 3 below of this Article:**

- (1) Any clothing, rags, textile remnants or waste, cloth, or scraps, except fibers of scrap that will pass through a one-fourth inch mesh screen or its equivalent in screening ability;
- (2) Any liquid or vapor having a temperature higher than 150°F or 65°C;
- (3) Any waters or wastes which may contain a total fat, wax, grease or oil concentration of more than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65.5°C) at the point of discharge into the system;
- (4) Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than 5% or any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;
- (5) Any garbage that has not been ground or comminuted to a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension;
- (6) Any solid or viscous wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, uncomminuted garbage, animal guts and tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone of marble dust, metal,

glass, straws, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil and similar substances;

- (7) Any waters or wastes in which the suspended solids exceed 300 milligrams per liter;
- (8) Any waters or wastes in which the total fixed solids exceed 1,500 milligrams per liter;
- (9) Any waters or wastes in which the B.O.D. exceeds 300 milligrams per liter;
- (10) Any waters or wastes in which the C.O.D. exceeds 600 milligrams per liter;
- (11) Any waters or wastes in which the TKN exceeds 40 milligrams per liter;
- (12) Any waters or wastes in which the I.O.D. exceeds five milligrams per liter;
- (13) Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer must have a pH value in the range of six to nine standard units. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acid products; and
- (14) Any waters or wastes containing amounts of potentially toxic elements exceeding the maximum concentrations for the respective drainage basins as outlined below:

Grant Creek

<u>Substance</u>	<u>Maximum Concentration</u>
Antimony	4.2 mg/l
Aluminum	31.5 mg/l
Cadmium	0.2 mg/l
Hexavalent chromium	0.1 mg/l
Chromium	5.0 mg/l
Copper	5.0 mg/l
Mercury	0.1 mg/l
Nickel	5.0 mg/l
Lead	1.4 mg/l
Silver	0.1 mg/l
Zinc	0.9 mg/l

(B) Minimum allowable concentrations. Industries subject to federal categorical pretreatment standards shall not exceed the maximum allowable concentrations listed for the respective type of industry when those concentrations differ from those listed above:

- (1) Any waters or wastes containing total cyanide or cyanide compounds in excess of 0.1 mg/l;
- (2) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to § 307(a) of the Clean Water Act, being 33 U.S.C. § 1317(a), and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system, or which may pass through the system and harm persons, livestock or aquatic life utilizing the receiving stream;
- (3) Any noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair;
- (4) Any radioactive wastes or isotopes of the half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use or which will or may cause damage or hazards to the sewerage facilities or personnel operating the system;
- (5) Any solid radioactive materials or radioactive materials in solution which can be removed by chemical means and disposed of in solid form;
- (6) Any materials which form excessive amounts of scum or foam that may interfere with the operation of the waste treatment works or cause undue additional labor in connection with its operation. Excessive amounts shall be determined by the Director;
- (7) Any waters or wastes containing suspended solids of the character and quality that unusual attention or expense is required to handle the materials at the waste treatment plant;
- (8) Any waters or wastes containing dyes or other color of the character and in the quantity as to prevent removal by biological processes and which require special chemical treatment to pass receiving stream standards;
- (9) Any wastewater at a flow rate or containing the concentration or quantity of any pollutant that exceeds for any period of time longer than 15 minutes more than five times the average 24-hour concentration, quantity or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency;
- (10) Any unpolluted water, including, but not limited to, water from cooling systems or of storm water origin, which will increase the hydraulic load on the treatment system; and
- (11) Any waters or wastes in which the ammonia exceeds 15 milligrams per liter.

(C) Inflow of storm water, ground water and the like. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface

drainage, cooling water or unpolluted industrial or commercial process water into any sanitary sewer. 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 into the sanitary sewer system.

(D) Limitations on wastewater pollutants. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of the character or quantity that will:

- (1) Not be susceptible to treatment or interfere with the process or efficiency of the treatment system;
- (2) Constitute a hazard to human or animal life or to the stream or watercourse receiving the treatment plant effluent;
- (3) Violate pretreatment standards, as promulgated by the United States Environmental Protection Agency or the state; and
- (4) Cause the treatment plant to violate its NPDES permit or applicable receiving water standards.

(E) Special arrangements. Nothing in this section shall be construed as preventing any special agreement or arrangement between the Town and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated, subject to any payments or user charges as may be applicable. However, any special agreements or arrangements shall not be less stringent than any applicable federal pretreatment standard or categorical regulation pursuant to § 307 of the Clean Water Act, being 33 U.S.C. § 1317.

### 3. INDUSTRIAL, MUNICIPAL USER REQUIREMENTS.

(A) In order to promote equalization of flows over a 24-hour period, each person discharging a waste into the Town’s sanitary sewers having the following average daily volumes over a period of their normal processing period in any one week shall construct and maintain at their own expense a suitable storage facility of the corresponding minimum volumes:

Volume of Waste Discharge in Average Gallons per Day Discharged	Minimum Volume of Storage Tank in Percentage of Daily Volume of Waste
0-20,000	0%
20,001-30,000	50%
30,001-40,000	60%
40,001-50,000	70%
50,001-60,000	80%
60,001-70,000	90%

70,001 and above

100%

(B) The storage facility shall have its outlet to the sewer controlled by an approved device, the setting of flow rates being as directed by the Director. When the processing period is less than seven days in any week, the person discharging the waste shall arrange the discharge rate so that their storage facility shall be substantially full at the end of their processing period. The storage facility shall be discharged during the period of shutdown, unless otherwise directed by the Director.

(C) Storage facility requirements may be waived by the Director in cases where a constant rate of flow is discharged provided:

(1) The normal operating day extends over a 24-hour period and the rate of waste flow and load discharged is that, in the opinion of the Director, the installation of a storage tank would not improve sewer and treatment plant loading conditions; and

(2) All other requirements of this subchapter are fulfilled.

(D) Any person discharging industrial wastes into the Town sanitary sewer shall construct and maintain a suitable control manhole to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the industry. The control manhole shall be constructed downstream from any treatment, storage or other approved works at a suitable and satisfactory location and built in a manner approved by the Director.

(E) Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device, as a nozzle, or other device approved by the Director. The manhole shall be installed by the person discharging the wastes at their own expense and shall be maintained by him or her so as to be safe, accessible and in proper operating condition at all times.

(F) Plans for the construction of the storage tanks, control manholes and controlling devices shall be approved by the Director prior to the beginning of construction.

(G) Persons shall provide, at their own expense, the preliminary handling as may be necessary to control the quantities and rates of discharge of the waters or wastes over a 24-hour period. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or handling facilities shall be submitted for the approval of the Director, and no construction of the facilities shall be commenced until the approval is obtained in writing.

(H) Any waters or wastes discharged by any person, which have the following characteristics, may be admitted into the sanitary sewers after 10-7-1985, when the discharge is approved in writing by the Director:

(1) A B.O.D. greater than 300 mg/l;

(2) C.O.D. of more than 600 mg/l;

(3) A TKN of more than 40 mg/l;

- (4) Suspended solids of more than 300 mg/l;
- (5) Ammonia of not more than 15 mg/l; or
- (6) Other characteristics prohibited in **Section 2 of this Article**.

(I) All sewer users shall participate in the user charge as described **in Section 8 of this Article**. For the purposes of this subchapter, normal domestic wastewater is considered to have the following characteristics:

- (1) B.O.D. of 300 mg/l;
- (2) C.O.D. of 600 mg/l;
- (3) TKN of 40 mg/l; and
- (4) TSS of 300 mg/l.

(J) When the concentration of B.O.D., C.O.D., TKN or suspended solids in the industrial or municipal waste discharge to the Town's sanitary sewers exceeds the normal characteristics prescribed, a monthly surcharge shall be imposed upon the offending industrial or municipal user's sewage flow when the excess loading calculated using the purchased water flow or metered wastewater flow as hereinafter specified and the unit poundage charge for the actual B.O.D., C.O.D., TKN and suspended solids loadings being received from the discharger. This surcharge shall be invoked as herein provided in addition to the existing regular sewer service charge. The sewer surcharge for each year shall be established by the Town at a regular Council meeting before the billing for January. This surcharge shall be applied beginning with the January utility billing and during subsequent months during the calendar year. The surcharge shall reflect the total cost of treating the excess pounds of industrial or municipal waste, including necessary costs of administration of the sewage plants and this subchapter. In addition, each industrial customer affected by the surcharge shall submit to the Director a current list of raw chemicals and other materials used in its manufacturing process. The method used to determine the surcharge amount shall consist of dividing the applicable audited budget cost for operating the Town's wastewater treatment system, including applicable administrative and plant debt service, for the preceding fiscal year by the poundage of B.O.D., C.O.D., TKN and suspended solids removed during treatment in that fiscal year. The four resulting unit per pound costs are the surcharge rates for each of the four parameters.

(K) The surcharges shall be billed and payable monthly on a separate bill rendered to the proper users by the Town.

(L) Industrial and major commercial users, including municipalities, will be billed for any applicable surcharges according to the monthly billing procedures as described in **Section 8 of this Article**.

(M) All applications for the discharge of industrial wastes into the public sewers shall be made to the Director. Approval will be granted for the applications when evidence is submitted by the applicant that the discharge of wastes into the public sewer will comply with this subchapter.

(N) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except, that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be maintained by the owner at their expense in continuously efficient operation at all times.

(O) Notice shall be given to the Director when normal operations of the industry will be interrupted for 72 hours or longer and wastes will not be available for discharge, or when a change of process is contemplated which will alter demands on the municipal treatment facilities. "Normal operations" shall include allowance for legal holidays and other announced plant shutdowns.

(P) Where preliminary treatment or holding facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense, and there shall be no discharge of wastes requiring pretreatment either directly or indirectly to the Town's sanitary sewer system, without first notifying and obtaining approval from the Director.

(Q) All industrial users that are discharging incompatible or toxic pollutants shall meet the pretreatment requirements of Best Practicable Technology, as promulgated by the Environmental Protection Agency.

#### 4. PUBLIC SEWER USAGE REQUIRED.

(A) Every owner of a house, building or other property used for human occupancy, employment, recreation or other purposes, situated within the Town where a public sanitary sewer main is or may in the future be located within 200 feet of the property line on which the house, building and the like is situated, is hereby required, at the owner's expense, to connect any toilet or other sanitary facilities located thereon with the public sewer main in accordance with the provisions of this subchapter, within 180 days after the date of receiving notice to do so. When any public sanitary sewer main is constructed, the 180-day period begins to run when the Director of Public Works certifies that the new main is operational.

(B) When public sewer mains become available to property as described in division (A) of this section, the property owner shall be made aware that connection to the public sewer is required and that the connection shall be made within 180 calendar days from the date of the notification. Nonuse of public sewer mains shall only be as approved by the Board of Alderpersons on a case-by-case basis.

(C) Privies, cesspools, and septic tanks are prohibited within the corporate limits, except where public sewer service is not available as described in division (A) of this section.

#### 5. UNAUTHORIZED CONNECTION PROHIBITED.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written approval from the Director. All costs and expenses incidental to the installation and connection to the sewer main shall be borne by the owner.



(B) All sewer connections must comply with the State Building Code, Volume II, Plumbing. Plumbing shall be done by a licensed plumber.

#### 6. STORM SEWER DISCHARGE.

Discharge of sanitary wastewater into storm sewers is prohibited without exception. Storm water and all other unpolluted drainage shall be discharged to the sewers as are specifically designed as storm sewers or to a natural outlet approved by the Director and DEM. Unpolluted industrial cooling water or process waters may be discharged on approval of the Director and DEM to a storm sewer or natural outlet and sanitary wastewater should be prohibited from discharge into the storm sewer system.

#### 7. PRIVATE SYSTEMS.

(A) Where a public sewer main is not available, a building sewer shall be connected to a private wastewater disposal system complying with all applicable state and local regulations concerning use of the systems. The Town, in conjunction with the County Health Department, shall have the authority to approve or reject the plans and/or usage of private wastewater facilities presently located within or proposed for location within the corporate limits. The minimum lot area that shall be approved for a private wastewater disposal system shall be as regulated by state law and the County Health Department, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary. Approval for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department. The local sanitarian shall be allowed to inspect the work at any state of construction. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health and Division of Environmental Management of the state.

(B) No septic tank or cesspool shall be permitted to discharge to any natural outlet. The Town shall maintain, on property, which is not accessible to the sanitary sewer, a septic tank of a type approved by the State Board of Health the location and installation of which shall be approved by the County Health Department, and which shall be installed at the property owner's expense. The occupant of the property shall pay full water and sewer service charges.

(C) At the time a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 180 days. Under unusual and/or special circumstances, the Board of Alderpersons may waive this requirement. Application for a waiver must be submitted to the Director of Public Works. The Director will study the application, make appropriate comments, and have it set before the Board of Alderpersons for approval or disapproval.

## 8. CHARGE; BILLING; NONPAYMENT.

- (A) The user charge shall be the charge levied on all users including, but not limited to, persons or government entities that discharge, or cause or permit the discharge of, sewage into the public sewerage facilities.
- (B) The user charge shall reflect at least the costs of operation and maintenance, including replacement, of the public sewerage facilities.
- (C) Each user shall pay its proportionate cost (user charge) based on volume of flow.
- (D) The Director of the sewerage facilities will review, not less often than every two years, the sewage contributions of users, the total costs of operation and maintenance, including replacement, of the sewerage facilities and the user charge system. The Director will make any recommendations for rate adjustments to the Board of Alderpersons. The Board will determine the necessity of any rate changes and will set rates to accomplish the following:
- (1) Maintain the proportionate distribution of operation and maintenance costs among all users as provided herein; and
  - (2) Generate sufficient revenue to pay at least the total operation and maintenance costs necessary for the proper operation and maintenance, including replacement, of the sewerage facilities.
- (E) All flow to the sewerage facilities not directly attributable to the users (for example, infiltration/inflow) shall be distributed among all users of the sewerage facilities based upon the volume of flow of the users.
- (F) User charges, surcharges, water charges and any other necessary charges will be billed according to the following schedules:
- (1) Industrial, commercial, residential, and municipal customers will be billed on a monthly basis according to the following schedule.
    - (a) The Town will mail bills so that customers will receive notice on the first working day of each month.
    - (b) Payment for the bill is technically past due after the twenty-fifth of the month for residential customers.
    - (c) A second notice for a delinquent bill will be mailed within ten days after the payment due date.
    - (d) If payment is not received from industrial, commercial, or residential customers by the Town before the indicated deadline, water service to the customer will be severed. In the case of municipalities, the Town may seek injunctive relief for nonpayment.
    - (e) Service to a customer will be reconnected only after the Town has received payment for all bills due, together with a \$10 reconnect fee.

(f) Any applicable surcharges, as contained in **Section 3 of this Article**, will be billed separately from regular monthly charges. Surcharges will be billed on a monthly basis.

(2) Bills will be sent through the United States mail, notifying all users of the amount and date due. Failure to receive a bill is not an excuse for nonpayment of bills.

(3) In case a user discharging water into the Town's sanitary sewer system does not procure their water supply from the Town and becomes delinquent in the payment of the aforesaid charges, their connection with the Town sewer system will be severed and will only be reconnected at their expense. Procedure for payment of the bill is the same as in division (F)(1) above.

#### 9. PUBLIC WORKS RIGHT OF ENTRY.

(A) The Director and duly authorized employees of the Public Works Department shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

(B) All tests and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be made in accordance with the procedure given in the latest edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published by the American Public Health Association. The tests and analyses shall be determined from samples taken at the control manhole provided **in Sub-section 3(D) of this Article**, or at the point of discharge of any waters or wastes at the site of their origin on the premises of any person discharging the wastes into the sanitary sewers.

#### 10. DETERMINATION OF FLOW VOLUME.

The volume of flow used in determining the total discharge of industrial wastes for payment of the regular sewer charge and the sewer surcharge shall be based upon:

(A) Metered water consumption as shown in the records of meter readings maintained by the Town Water Department; or

(B) At the individual discharger's option, other flow measuring devices, which measure the actual volume of wastewater discharged to the sewer, the devices shall be accessibly and safely located, and the measuring system as specified by the Town shall be installed in accordance with plans approved by the Director. The metering system shall be installed and maintained at the owner's expense according to arrangements that may be made with the Town.

#### 11. DETERMINATION OF WASTE CHARACTER, CONCENTRATION.

(A) Inspection. The industrial waste of each person discharging the wastes into the public sewers shall be subject to periodic inspection, and a determination of the character and concentration of the wastes shall be made annually for all industrial users, or more often as may be deemed necessary by the Director or their authorized assistants. The inspection and tests shall also be made immediately after any process change which may affect the quantity or quality of the wastes discharged.

(B) Samples. Samples shall be collected in the manner as to be representative of the actual quality of the waste. Laboratory methods used in the examination of the waste shall be those set forth in Standard Methods, as hereinbefore described, a copy of which is on file with the Town Administrator/Town Clerk for inspection by any interested parties.

(C) Authority. The determination of the character and concentration of the industrial wastes by the Director or their duly appointed representatives shall be binding as a basis for charges.

(D) Cost. Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be included in the surcharge made to persons discharging wastes into the Town's sanitary sewers.

## 12. PROHIBITED WASTE CONTROL.

(A) Regulatory actions by Director. If wastewater containing any substance described in **Section 2 of this Article** is discharged or proposed to be discharged into the sewer system of the Town or to any sewer system tributary thereto, the Director may take any action necessary to:

- (1) Prohibit the discharge of the wastewater;
- (2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of the substances in conformity with this subchapter;
- (3) Obtain flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this subchapter;
- (4) Require the person making, causing, or allowing the discharge to pay any additional cost or expense incurred by the Town for handling and treating excess loads imposed on the treatment system; and
- (5) Take the other remedial action as may be deemed to be desirable or necessary to achieve the purposes of this chapter.

(B) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to the pretreatment or flow control facilities shall first be submitted to the Director for review and approval. The approval shall not exempt the discharge of the facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to the pretreatment or flow control facilities shall not be made without due notice to and prior approval of the Director.

(C) Pretreatment facilities operations. If pretreatment or control of waste flows is required, the facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at their own cost and expense, subject to the requirements of this subchapter and all other applicable codes, ordinances, and laws.

(D) Admission to property. Whenever it shall be necessary for the purposes of this subchapter, the Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purposes of:

- (1) Copying any records required to be kept under the provisions of this subchapter;
- (2) Inspecting any monitoring equipment or method; and/or
- (3) Sampling any discharge of wastewater to the treatment works, the Director may enter upon the property at any hour under emergency circumstances.

### 13. ACCIDENTAL DISCHARGE.

(A) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this subchapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by him or her before construction of the facility. Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify their facility as necessary to meet the requirements of this subchapter.

(B) Report of accidental discharge. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this subchapter, the facility responsible for the discharge shall immediately notify the Director, so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Director, detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five days of the occurrence of the noncomplying discharge.

### 14. TRAPS, INTERCEPTORS AND SEPARATORS.

All buildings with special requirements for traps, interceptors and separators shall conform to the most current edition of the North Carolina Plumbing Code Chapter 10.

## ARTICLE 10

### INDUSTRIAL WASTEWATER

#### 1. DISCHARGE REPORTS.

(A) Every industrial user shall file a periodic discharge report at intervals as are designated by the Director. The Director may require any other industrial users discharging or proposing to discharge into the treatment system to file the periodic reports.

(B) The discharge report shall include but, in the discretion of the Director shall not be limited to, nature or process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. In addition to discharge reports, the Director may

require information in the form of the industrial discharge permit application and self-monitoring reports.

## 2. RECORDS; MONITORING EQUIPMENT.

(A) All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain the records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this subchapter and any applicable state or federal pretreatment standards or requirements.

(B) The records shall be made available upon request by the Director. All the records relating to compliance with pretreatment standards shall be made available to officials of the United States Environmental Protection Agency upon demand. A summary of the data, indicating the industrial user's compliance with this subchapter, shall be prepared quarterly and submitted to the Director.

(C) The owner or operator of any premises or facility discharging industrial wastes into the system shall install, at their own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. The equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When the location would be impractical or cause undue hardship on the user, the Director may allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over the street or sidewalk and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

(E) When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

## 3. INSPECTION; SAMPLING; ANALYSIS.

(A) Compliance determinations. Compliance determinations with respect to the prohibitions and limitations contained in **Section 2 of Article 9 of this Ordinance** may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period or over a longer or shorter time span, as determined necessary by the Director to meet the needs of specific circumstances.

(B) Standards for analysis of industrial wastewaters. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of Standard Methods, Methods for Chemical Analysis of Water and Waste, published by the United

States Environmental Protection Agency, or the Annual Book of Standards, Part 23, Water, Atmospheric Analysis, published by the American Society for Testing Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the State Department of Natural Resources and Community Development.

(C) Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to the prohibitions and limitations contained in **Section 2 of Article 9 of this Ordinance** will be done at intervals as the Director may designate. However, it is the intention of the Director to conduct compliance sampling or to cause the sampling to be conducted for all major contributing industries at least once every three months.

#### 4. PERMIT REQUIRED.

All industrial users proposing to connect or to discharge into any part of the wastewater treatment system, or any other wastewater system which ultimately discharges its wastewater into the Town's system, must first obtain a discharge permit therefor. All existing industrial users connected to or discharging to any part of the Town's system, or any other wastewater system which ultimately discharges its wastewater into the Town's system, must obtain a wastewater discharge permit within 90 days from and after the effective date of this subchapter.

#### 5. PERMIT APPLICATION.

(A) Users seeking a wastewater discharge permit shall complete and file with the Director an application, on the form prescribed by the Director and accompanied by the applicable fee. In support of this application, the user shall submit the following information:

- (1) Name, address and SIC number of applicant;
- (2) Volume of wastewater to be discharged;
- (3) Wastewater constituents and characteristics, including, but not limited to, those set forth in **Section 2 of Article 9 of this Ordinance** as determined by a reliable analytical laboratory;
- (4) Time and duration of discharge;
- (5) Average and 60-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenance by size, location and elevation;
- (7) Description of activities, facilities, and plant processes on the premises, including all materials and types of materials which are, or could be, discharged;
- (8) Each product produced, by type, amount, and rate of production;
- (9) Number and type of employees, and hours of work; and
- (10) Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

(B) The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a wastewater discharge permit, subject to the terms and conditions provided therein.

#### 6. PERMIT CONDITIONS.

A) Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this subchapter and applicable state and federal regulations.

(B) Permit conditions shall include the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
- (2) The average and maximum wastewater constituents and characteristics;
- (3) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation of pretreatment, inspection and sampling facilities and specifications for self-monitoring programs, if applicable;
- (5) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
- (6) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
- (7) Compliance schedules; and
- (8) Other conditions to ensure compliance with this subchapter.

#### 7. CONNECTIONS FROM OUTSIDE CORPORATE LIMIT.

(A) Any user owning or controlling premises located beyond the corporate limits and having or desiring to install a plumbing system for the purpose of discharging domestic sewage or industrial waste into the sanitary sewers of the Town or into sanitary sewers that ultimately discharge into the sanitary sewers of the Town may do so after approval by the Board of Alderpersons, by complying with the requirements of this subchapter and by securing a permit and paying applicable tap-on fees and a yearly sewer use charge to be fixed by the Board of Alderpersons.

(B) Any municipality having or desiring to install a sewer system for the purpose of discharging industrial or domestic waste into the sanitary sewers of the Town, or into a sewer system which ultimately discharges into the sanitary sewer system of the Town, may do so after approval by the Board of Alderpersons, by complying with and adopting this subchapter as its own, by securing a permit as described in **Section 5 of this Article**, and by payment of any applicable tap-on fees as required by the Town.



(C) Any municipal user as described in division (A) of this section shall:

(1) Require all new industries desiring to discharge industrial or domestic wastes into that municipality's sewer system, which ultimately discharges into the Town system, to obtain written permission from the Town before connecting to the sanitary sewers of that municipality. The Town shall be provided with a copy of the permit issued and any subsequent permit renewals issued by that municipality to the industry. The Town shall have access to the property permitted to discharge by that municipality in accordance with the provisions described in **Subsection 12(D) of Article 9 of this Ordinance;**

(2) Make a monthly report to the Town no later than the fifth day of that month, stating the number of additional customers added to the sanitary sewer system during the preceding month. The report will contain information on the type of customer added and the type of wastewater and volume each customer discharged;

(3) Install all plumbing in accordance with the State Plumbing Code;

(4) Show evidence, as may be required by the Town, that the municipality is enforcing this subchapter and the Plumbing Code to the satisfaction of the Town; and

(5) Construct and maintain, as may be required by the Town, at its own expense, a metering station with necessary pipes, valves, and appurtenances, described in accordance with the Town's specifications and standards, at each point of discharge of wastewater into the Town's sanitary sewer system. Representatives of the Town shall have access to the stations and control of actual meter readings. The sewer charges invoiced by the Town to the municipality shall be based on these meter readings.

(D) Rates charged by the Town to municipalities shall be the same as those charged to sewer users inside the Town. Municipalities will be billed for sewer use as described in **Subsection 8(F) of Article 9 of this Ordinance.**

(E) Technical services may be rendered by the Town to the municipality under a special contractual arrangement.

#### 8. PERMIT TERM, MODIFICATION.

Permits shall be issued for a specified time period, not to exceed two years. A permit may be issued for a period of less than two years or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Director of Public Works during the life of the permit, as limitations or requirements as identified in **Section 2 of Article 9 of this Ordinance are** modified and changed. The user shall be informed of any proposed changes to their permit at least 30 days prior to the effective date thereof. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 9. PERMIT TRANSFER, REVOCATION.

(A) Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

(B) Revocation. Any user who violates the following conditions of their permit or of this subchapter, or of applicable state and federal regulations, is subject to having their permit revoked. Violations subjecting a user to possible revocation of their permit include, but are not limited to, the following:

- (1) Failure of a user to accurately report the wastewater constituents and characteristics of his or her discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit or of any provisions of this subchapter.

## ARTICLE 11 ENFORCEMENT

### 1. NOTICE OF VIOLATION.

Whenever the Director finds that any person has violated or is violating this subchapter, or any prohibition, limitation or requirement contained herein, he or she may serve upon the person a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof.

### 2. SHOW CAUSE HEARING.

#### (A) **Hearing before the Director.**

(1) If the violation is not corrected by timely compliance, the Director may order any person who causes or allows an unauthorized discharge to show cause before the hearing authority why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the hearing authority regarding the violation, and directing the offending party to show cause before the authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The Director may designate any of their agents or any officers or employees of the Legal Department to issue, in the name of the Director, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any hearings.

(2) The **Director may conduct the hearing** and take the evidence, or may designate any of their agents or any officer or employee of the Legal Department to:

- (a) Take the evidence; and
- (b) Transmit a report of the evidence, including transcripts and other evidence, together with recommendations to the Director for hearing action thereon.

(B) Testimony taken before the hearing authority, or any person designated by him or her, must be under oath. The findings will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

### 3. ORDERS AND DIRECTIVES.

After the Director has presented the evidence, the hearing authority may issue an order to the party responsible for the discharge, directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and the further orders and directives as are necessary and appropriate.

### 4. PENALTY.

(A) Whoever violates any provision of this chapter where no other penalty is provided shall be subject to § 10.99 of the **Town Code of Ordinances**.

(B) It shall be unlawful for any person to use or to permit the use of town water in violation of any mandatory restriction set forth in **Article 5 of this Ordinance**. Any violation of the mandatory provisions of **Article 5 of this Ordinance** shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4. Each day on which a violation occurs shall be considered to be a separate violation.

(C) Pursuant to the provisions of G.S. § 160A-314 and this chapter, water service may be temporarily discontinued for willful disregard of **Article 5 of this Ordinance**. All applicable penalty fees may be applied in the event of the service suspensions. In the event of continued gross noncompliance with **Article 5 of this Ordinance**, removal of meter and service will be deemed proper, service will be discontinued, and tap fees and deposits will be forfeited.

(D) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Persons committing the acts shall be guilty of a misdemeanor.

(E) Any discharge in violation of the substantive provisions of **Article 11 of this Ordinance** or an order of the hearing authority shall be considered a misdemeanor. If any person discharges sewage, industrial wastes, or other wastes into the Town's treatment system contrary to the substantive provisions of **Article 11 of this Ordinance** or any order of the hearing authority, the Town Attorney may commence an action for appropriate relief.

(F) Any person who is found to have violated an order of the Director or who willfully or negligently fails to comply with any provision of this section, and the orders, rules and

regulations issued hereunder, shall be guilty of a misdemeanor for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the statutory fines and penalties allowed by state law for misdemeanors, the Town may file a civil action for a civil penalty not to exceed \$10,000 per day for each day of violation. The penalties may be imposed by the court in accordance with the Federal Clean Water Act, being U.S.C. §§ 1251 et seq. In addition to the penalties provided herein, the Town may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this section or the orders, rules and regulations issued hereunder.

**PART 3. Effective Date.**

This Ordinance shall be effective immediately upon its adoption.

Adopted this 9<sup>th</sup> day of October 2023.

s/ \_\_\_\_\_

**Meredith Bare Smith, Mayor**

s/ \_\_\_\_\_

**Madison Stegall, Town Clerk**

DRAFT 7 Sept. 2023