

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

51. WATER

*Partial Payments 51.25*

*52. Water Quality Protection 09.04.2003*

Section

General Provisions

- 50.01 Definitions
- 50.02 Use of public sewers required
- 50.03 Private wastewater disposal
- 50.04 Protection of equipment

Building Sewers and Connections

- 50.10 Permit required
- 50.11 Classes of permits; applications
- 50.12 Costs to be borne by owner
- 50.13 Separate sewers required; exception; pre-existing sewers
- 50.14 Construction standards
- 50.15 Excavations
- 50.16 Pre-connection inspection
- 50.17 Tap-in fee

Discharge Regulations

- 50.25 Prohibited discharges
- 50.26 Limitations on wastewater strength
- 50.27 Pretreatment
- 50.28 Flow and concentration control

Monitoring Wastes

- 50.35 Measurement of flow
- 50.36 Control manholes
- 50.37 Determination of character and strength of wastes
- 50.38 Inspections

Industrial Users

- 50.45 Application required; content
- 50.46 Written determination; term of service

Administration and Enforcement

- 50.55 Powers of Mayor
- 50.56 User charges
- 50.57 *Special agreements authorized*
- 50.58 Procedures for termination of service
- 50.59 Enforcement against non-users
- 50.60 Appeals
- 50.61 Amendments

Statutory reference:

Authority to operate water, sewer systems, see G.S. §§ 160A-311 and 160A-312

## GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. In addition, definitions contained in 40 CFR Part 35, 401 and 403 are hereby incorporated in this section by reference and shall take preference over definitions in this section in case of any conflicts.

"BIOCHEMICAL OXYGEN DEMAND" or "B.O.D." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in milligrams per liter by weight.

"BUILDING SEWER" or "HOUSE CONNECTION." The connecting pipe from a building, beginning five feet outside the inner face of the building wall, to the sanitary sewer.

"COLOR." The true color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

"DOMESTIC WASTE." All liquid and waterborne pollutants, exclusive of "unpolluted water" as defined herein or wastewater or wastes from processes or operations in industrial establishments, as defined herein.

"INDUSTRIAL WASTE." The liquid and waterborne pollutants resulting from processes or operations employed in industrial establishments, as defined in the Standard Industrial Classification Manual, 1972, Office of Management and Budget of the Federal Government, as amended and supplemented, under the following divisions:

- (1) Division A - Agricultural, forestry, and fishing.
- (2) Division B - Mining.
- (3) Division D - Manufacturing.
- (4) Division E - Transportation, communication, electric, gas and sanitary services.
- (5) Division I - Services.

"MAYOR." The chief administrative officer of the town. As used herein, "MAYOR" may also include any other town employee delegated to act for the town by the Mayor or by the Board of Commissioners.

"NORMAL WASTE." A waste having average concentrations of 275 milligrams per liter of BOD, or less, and 275 milligrams per liter

of suspended solids, or less, as determined by samples taken before entering the public sanitary sewers.

"pH." The logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. "Stabilized pH" is that determined after a sample of the waste has been subjected to natural aeration.

"PRIVATE WASTEWATER DISPOSAL SYSTEM." Any facilities for wastewater treatment and disposal not maintained and operated by the town.

"PROPERLY SHREDDED GARBAGE." The organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle being greater than 1/2-inch in any dimension.

"RECEIVING STREAM." That body of water, stream, or watercourse receiving the discharge from a wastewater treatment plant; or that body of water, stream, or watercourse formed by the effluent from a wastewater treatment plant.

"SANITARY SEWER." A public sewer controlled by a governmental agency or public utility that carries liquid- and water-borne wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground and surface waters that are not admitted intentionally.

"SANITARY SEWERAGE SYSTEM." Any part of the public sanitary sewer system or systems, including wastewater pumping stations, that discharges into wastewater treatment facilities owned or operated by the town.

"SLUG." Any discharge of water or wastewater of any duration during which the rate of flow, or concentration of any constituent increases to such magnitude as to adversely affect the operation of the sewer system or the ability of the town's wastewater treatment facilities to meet the water-quality objectives.

"STRENGTH OF WASTE." The concentration, expressed in milligrams per liter by weight (mg/l), of a pollutant or substance contained in the liquid waste.

"STANDARD METHODS." The analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or "EPA Methods for Chemical Analysis of Water and Wastes," as published by the Environmental Protection Agency, Water Quality Office in April, 1971, or subsequent editions.

"SUSPENDED SOLIDS." The total solid matter that either floats on the surface of, or is suspended in, water or liquid waste, and which is removable by laboratory filtration.

"UNPOLLUTED WASTEWATER."

(1) Any wastewater which is substantially free of pollutants and is discharged from the following:

- (a) Rain downspouts and drains.
- (b) Footing drains.
- (c) Storm and surface water drains.
- (d) Cooling water systems.

(2) Unpolluted wastewater shall contain, by definition, none of the following:

- (a) BOD in excess of ten milligrams per liter.
- (b) Suspended solids in excess of 10 mg/l.
- (c) Free or emulsified greases or oils.
- (d) Acids or alkalies.
- (e) Phenols or other substances imparting taste or odor in receiving waters.
- (f) Toxic or poisonous substances.
- (g) Noxious or odorous gases.
- (h) Temperature in excess of 150°F.

(3) "UNPOLLUTED WASTEWATER" shall also mean any wastewaters judged by the State Department of Natural Resources and Community Development to be admissible to streams and water courses under the jurisdiction of that agency, and in accordance with the standards of water quality established by that agency for the particular stream or water course into which the unpolluted wastewater is to be discharged.

(Res., passed 6-1-81)

§ 50.02 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to discharge into any outlet other than a sanitary sewer, within the boundaries of the town, any domestic or industrial wastes except where suitable treatment has been provided in accordance with subsequent provisions of these regulations.

(B) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way

in which there is now located or may in the future be located a public sanitary sewer of the town, who has installed suitable toilet and other facilities therein necessary for the discharge of domestic and industrial wastes, is hereby required at the owners' expense to connect those facilities directly with the proper public sewer in accordance with the requirements of the town within 90 days after date of official notice to do so, provided that the public sewer abuts the property.

(Res., passed 6-1-81) Penalty, see § 10.99

§ 50.03 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 50.02(B), the toilet and other facilities necessary for the discharge of domestic and industrial wastes shall be connected to a private disposal system complying with the requirements of the appropriate state or local regulatory agency.

(B) Before a commencement of construction of a private wastewater disposal system, the owners shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the Mayor. The copy of the permit shall be accompanied by such supplementary data as deemed necessary by the Mayor to maintain an accurate file of private wastewater disposal systems to facilitate the planning of future public sewer service.

(C) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the State Department of Natural Resources and Community Development or other such board or authority.

(D) At such time as 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 90 days in compliance with these regulations, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(E) The owner shall operate and maintain any private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town.

(F) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by other state or federal agencies.

(Res., passed 6-1-81) Penalty, see § 10.99

§ 50.04 PROTECTION OF EQUIPMENT.

(A) No person shall maliciously, willfully, or negligently break, damage, destroy, deface, tamper with, or remove any equipment or materials used by the town for the purpose of making waste examinations and waste flow measurements and left upon the premises of a person discharging wastes into the sanitary sewerage system.

(B) Only persons authorized by the Mayor will be allowed to uncover, adjust, maintain, and remove such equipment and materials. (Res., passed 6-1-81) Penalty, see § 10.99

#### BUILDING SEWERS AND CONNECTIONS

##### § 50.10 PERMIT REQUIRED.

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Mayor. The permit may impose on the discharger any effluent limitations and monitoring requirements which are considered in the best interest of the town.

(Res., passed 6-1-81; Am. Res., passed 9-16-85) Penalty, see § 10.99

##### § 50.11 CLASSES OF PERMITS, APPLICATIONS.

(A) There shall be two classes of building sewer permits:

(1) For residential and commercial service.

(2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Mayor. (Res., passed 6-1-81) Penalty, see § 10.99

##### § 50.12 COSTS TO BE BORNE BY OWNER.

(A) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Res., passed 6-1-81)

##### § 50.13 SEPARATE SEWERS REQUIRED; EXCEPTION; PRE-EXISTING SEWERS.

(A) A separate and independent building sewer shall be provided for every building.

(B) Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building is extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

(C) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the town, to meet all requirements of this chapter.  
(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.14 CONSTRUCTION STANDARDS.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF "Manual of Practice No. 9" shall apply.

(B) Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by that building drain shall be lifted by an approved means and discharged to the building sewer.

(C) No person shall make connection to roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(D) The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual of Practice No. 9". All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Mayor before installation.  
(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.15 EXCAVATIONS.

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.  
(Res., passed 6-1-81) Penalty, see § 10.99

#### Cross-reference:

Excavation regulations, see §§ 98.14 through 98.20  
Open wells, excavations, and embankments, see § 133.07



§ 50.16 PRE-CONNECTION INSPECTIONS.

(A) The applicant for the building sewer permit shall notify the Mayor when the building sewer is ready for inspection and connection to the public sewer.

(B) The connection and testing shall be made under the supervision of the Mayor or his representative.  
(Res., passed 6-1-81) Penalty, see § 10.99

§ 50.17 TAP-IN FEE.

The town may at its discretion identify and establish a sewer tap fee for which the town will provide the service of connecting the building sewer from the town right-of-way line to the public sewer. In that case the owner shall be responsible for installation as previously described, to the town's right-of-way.  
(Res., passed 6-1-81)

## DISCHARGE REGULATIONS

§ 50.25 PROHIBITED DISCHARGES.

(A) No person shall discharge or deposit any of the following materials, waste materials, wastes, gases, or liquids into any sewer forming part of the sanitary sewerage system, except where these may constitute occasional, intermittent inclusions in the wastewaters discharged from residential premises.

(1) Any waste, liquid, or vapor at a temperature exceeding 40°C. (104°F.) or at such lower temperatures that will create hazardous conditions within, or cause deterioration of, the sanitary sewers.

(2) Any water or waste containing more than 50 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral origin.

(3) Wastewater from industrial plants containing floatable oils, fat, or grease.

(4) Any garbage that has not been properly shredded.

(5) Any waters or wastes having a stabilized pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of either causing damage or creating a hazard to structures, equipment, and personnel of the sanitary sewerage system and wastewater treatment facilities or interfering with proper operation of the town's wastewater treatment facilities.

(6) Any waters or wastes having a color which is not removable by the existing wastewater treatment plant processes and causes the plant effluent to exceed color requirements for discharge to the receiving waters.

(B) No person shall discharge or deposit any of the following materials, waste materials, waste gases, or liquids into any sewer forming part of the sanitary sewerage system:

(1) Any gasoline, benzene, naphtha, or other hydrocarbon solvents or oils, or other flammable or explosive liquids, solids, or gases.

(2) Any other solid or viscous substance in quantity or character capable of causing obstruction to flow in sewers or interference with proper operation of wastewater treatment facilities, such as, but not limited to: ashes, cinders, ceramic wastes, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, lime or similar sludges.

(3) Any noxious or malodorous gas or any substance capable of creating a public nuisance when introduced into the sewage system.

(4) Any unpolluted wastewater, as defined in § 50.01.  
(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.26 LIMITATIONS ON WASTEWATER STRENGTH.

(A) No person shall discharge into any sewer forming part of the sanitary sewerage system, any of the following materials in concentrations exceeding the stated limits:

(1) Any toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with the wastewater treatment processes, or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the stream or watercourse receiving the effluent from the town wastewater treatment plant.

(2) Concentrations of heavy metals and other incompatible pollutants in the discharge of any user of the sanitary sewerage system shall not exceed values listed below:

<u>Substance</u>	<u>Concentration (in mg/l)</u>
Chromium, total	0.5
Chromium, hexavalent	0.1
Copper	0.5
Cyanide, total	0.5
Cyanide, amenable	0.1
Lead	0.5
Nickel	0.5
Zinc	0.5

(3) Any radioactive isotope in concentration greater than that permitted by the latest effective regulations promulgated under applicable federal law.

(B) In the event of conflicts between values established in this chapter and values established by applicable state or federal rules, regulations, laws, and the like, the more stringent value shall apply. Effluent limits contained in the town's NPDES permit and water quality standards assigned Contentnea Creek shall at no time be exceeded or contravened as a result of discharges to the town's sewer system either within or without the values established in this section.

(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.27 PRETREATMENT.

(A) Any person who is prohibited from discharging any substance as specified in these regulations, or who is required to provide pretreatment as a major contributing industry under federal laws, rules, regulations, or guidelines for the appropriate industrial or commercial category, shall have the sole responsibility to devise, at his own expense, the methods for eliminating the problem so as to make any waste discharge eligible for a permit or for compliance with these regulations or the federal guidelines.

(B) This sole responsibility shall not be affected nor shall any responsibility be assumed by the town notwithstanding that the Mayor may render any assistance to any person in overcoming such a problem by offering advice or suggestions.

(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.28 FLOW AND CONCENTRATION CONTROL.

(A) No person shall discharge any wastes or wastewaters in a "slug" as defined in § 50.01.

(B) Any person now discharging or proposing to discharge wastes which may include "slugs," as defined in § 50.01 may be required to provide facilities or adopt procedures, for regulating, controlling, or equalizing the concentration of any constituent or the rate of waste discharge.

(Res., passed 6-1-81) Penalty, see § 10.99

#### MONITORING WASTES

#### § 50.35 MEASUREMENT OF FLOW.

The volume or quantity of industrial waste discharged by any person into the sanitary sewerage system shall be measured by one or more of the following methods:

(A) If the volume of water used by any person in his industrial or process operations is substantially the same as the volume

secured from the municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

(B) If, in the establishment of any person discharging industrial waste into the sanitary sewerage system, a substantial portion of the water secured from the municipal waterworks system is not used for industrial purposes, or is not returned to the sanitary sewerage system, the quantity of industrial waste shall be determined as follows:

(1) By a meter (or meters) on the water supply line (or lines) to his industrial or process operations.

(2) By a meter (or meters) on the waste line (or waste lines) from his industrial or process operations.

(3) If meters as required under divisions (1) and (2) above shall not have been installed, by an estimate, made by the Mayor, of the proportion of the water purchased which is used for industrial purposes and returned to the sanitary sewerage system.

(C) If any person now discharging or proposing to discharge industrial waste into the sanitary sewerage system does not secure his entire water supply requirements from the municipal water works system that person shall install and maintain a meter (or meters) on the waste line (or waste lines) from his industrial or process operations, or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the sewers from both sources under procedures comparable to divisions (A) and (B) above.

(Res., passed 6-1-81) Penalty, see § 10.99

#### § 50.36 CONTROL MANHOLES.

(A) Any person who on the effective date of these regulations, is discharging industrial waste into the sanitary sewerage system, shall provide reasonable access, means, and facilities for the purpose of permitting the convenient observations, measurements, and sampling of that industrial waste. If such access, means and facilities are not otherwise available, that person shall construct and maintain an accessible and safe control manhole on the waste line or lines for those purposes.

(B) After the effective date of these regulations, any person proposing to discharge industrial wastes in quantities greater than 25,000 gpd shall provide a control manhole in accordance with the requirements of the town.

(Res., passed 6-1-81) Penalty, see § 10.99

§ 50.37 DETERMINATION OF CHARACTER AND STRENGTH OF WASTES.

(A) The industrial waste and/or other pollutants being discharged by any person into the sanitary sewerage system shall be subject to all conditions contained within the respective permit and/or periodic testing and inspection. All dischargers of industrial waste and/or other pollutants shall, at a minimum, make a determination of the character and strength of said wastes annually, or more often as may be deemed necessary by the Mayor or his authorized assistants or at any time the character of the waste significantly changes and shall provide said test results to the town.

(B) Samples shall be collected manually or mechanically over such period of time and composited in such a manner as to be representative of the wastes being discharged. The laboratory methods followed in the examinations of the wastes shall be those as set forth in the latest edition of "Standard Methods" as defined in § 50.01.

(C) The determination of the character, strength, or quantity of the wastes are made by the Mayor or his authorized assistants, and shall be binding as a basis for computation of charges or for actions by the Board of Commissioners.

(1) When requested by the person discharging, the samples may be split to permit analysis by the discharger, or a qualified independent laboratory, for the discharger's information.

(2) The person discharging wastes may request additional sampling and analyses which will be performed, as soon as practical, with all costs, as determined by the town, being borne by the discharger.

(D) The Mayor or his authorized assistants shall, at the Mayor's discretion, have the authority to periodically have tested, measured, and inspected by a laboratory, all industrial waste discharges and/or other pollutants being discharged into the town sewerage system in order to determine the character and strength of said waste, the cost of which shall be billed to and paid by the discharger. The Mayor shall have a determination made as to the strength of character of industrial waste discharge and/or other pollutants being discharged into the town's sewerage system in the event of any of the following:

(1) Failure of the discharger to comply with and provide monitoring reports to the town in compliance with their respective permits within 15 days after the report is due.

(2) At any time there is suspected a change in the character or strength of the wastewater.

(Res., passed 6-1-81; Am. Res., passed 9-16-85)

§ 50.38 INSPECTIONS.

(A) The Mayor and other duly authorized employees of the town, bearing proper credentials and identification, and upon reasonable notice and at reasonable times, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial waste and other pollutants, in accordance with these regulations.

(B) The Mayor and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(1) The industry may withhold information considered confidential.

(2) The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Mayor and duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the town employees, and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 50.36(A).

(Res., passed 6-1-81) Penalty, see § 10.99

## INDUSTRIAL USERS

§ 50.45 APPLICATION REQUIRED; CONTENT.

(A) All users discharging industrial wastes or wastes other than normal waste into the town's sanitary sewerage system shall be required to make application for service to the town.

(B) Users making application for services to the town shall do so in writing and shall provide the following information in support of the application:

(1) Nature of wastewater, including chemical analyses for all applicable parameters.

(2) Origin of wastewater.

(3) Quantity of wastewater, present quantity and for the future two years, five years, and ten years hence.

(4) Description of pretreatment provided, if applicable.  
(Res., passed 6-1-81) Penalty, see § 10.99

§ 50.46 WRITTEN DETERMINATION; TERM OF SERVICE.

(A) The town shall approve or disapprove all applications in writing. Reasons for disapproval will be provided.

(B) Approval of application for service shall be valid for a period of two years or less from the date of the approval. Applications for continued service shall be submitted to the town at least 90 days prior to the expiration date of a user's current approval. The town will review and either approve or disapprove all renewal applications for continued service.  
(Res., passed 6-1-81)

ADMINISTRATION AND ENFORCEMENT

§ 50.55 POWERS OF MAYOR.

(A) The Mayor shall endeavor to assure compliance with the requirements of these regulations by conferences and persuasion.

(B) If these efforts, over a reasonable period of time, are futile, the Mayor shall take formal action as provided hereafter.  
(Res., passed 6-1-81)

§ 50.56 USER CHARGES.

(A) This chapter shall be coordinated with and used to supplement the town's user charge ordinance entitled "A Resolution Adopting Charges for the Discharge of Domestic Wastewater and Industrial Wastes to the Sanitary Sewerage System of the Town of Snow Hill and Providing for the Recovery of Portions of Federal Grants from Industry" adopted by the Town Board of Commissioners on September 4, 1979, a copy of which is on file at the Town Clerk's office.

(B) The Board of Commissioners will adopt and modify from time to time a separate user charge ordinance to supplement these regulations.  
(Res., passed 6-1-81)

§ 50.57 SPECIAL AGREEMENTS AUTHORIZED.

(A) Nothing contained in these rules and regulations shall be construed as preventing the execution of a contract, special agreement, or arrangement between the Board of Commissioners and any person whereby water or wastewaters of unusual strength, character, or quantity may be admitted into the sanitary sewerage system upon such times and conditions as the Board deems appropriate.

(B) All such agreements shall be in complete accord with all applicable local, state, and federal requirements.  
(Res., passed 6-1-81)

§ 50.58 PROCEDURES FOR TERMINATION OF SERVICES.

In any case involving a person who is discharging waste into the sanitary sewerage system and where the Mayor finds that that person has failed to comply with any of these regulations, or has failed to pay any applicable and duly adopted sewer use charges within the time limits prescribed for those payments, the procedure for enforcement shall be as follows:

(A) The Mayor shall give notice to that person by registered mail stating the specifics of the failure of compliance and requiring that the person remedy the failure within 72 hours.

(B) If, after the expiration of 72 hours, that person has not remedied the failure, the Mayor shall report the facts to the Board of Commissioners in writing.

(C) The Mayor may thereupon, without further notice, cause the water service from the public water system to be discontinued for that person or cause the connection to the sanitary sewer system to be severed for that person.

(D) In any case where water service is discontinued or the sewer connection is severed by the Board of Commissioners for enforcement purposes, the restoration of service shall be conditioned on full compliance by that person and payment of any expense incurred in the enforcement proceeding and in the restoration of service.

(E) The Board may, in its discretion, continue or restore water or sewer service in a case of failure of compliance on condition that such person furnish a bond or other security, with terms as specified by the Board, to hold harmless the town from any loss or expense that it may incur as a result of the noncompliance or any future noncompliance.

(Res., passed 6-1-81)

§ 50.59 ENFORCEMENT AGAINST NON-USERS.

(A) In any case involving a person who fails to comply with any of these regulations but who is not discharging waste into the sanitary sewerage system, the Mayor shall give notice to that person by registered mail stating the specifics of the failure of compliance and requiring that the person promptly remedy the failure.

(B) At the same time, the Mayor shall report the facts of the case, in writing, to the Board of Commissioners and to such other government agency as may have jurisdiction and power to take appropriate enforcement action.

(Res., passed 6-1-81)

§ 50.60 APPEALS.

(A) The Board of Commissioners shall be the reviewing authority



for all appeals of actions or administrative determinations under the provisions of these regulations.

(B) Notice of an intent to appeal and request for a hearing shall be addressed to the Mayor in writing and shall detail the nature of the appeal.

(C) An early date for the hearing shall be set by the Board and the appellant shall be promptly notified in writing.

(D) The decision of the Board after the hearing shall be final and conclusive and shall be conveyed to the persons involved in writing.

(Res., passed 6-1-81)

§ 50.61 AMENDMENTS.

The Board of Commissioners expressly reserves the absolute right to amend, modify, rescind, or supplement these regulations.

(Res., passed 6-1-81)

REGULATIONS OF THE TOWN OF SNOW HILL  
TO REGULATE AND CONTROL THE DISCHARGE  
OF WASTEWATERS INTO THE SANITARY SEWERAGE  
SYSTEM OF THE TOWN OF SNOW HILL

STATE APPROVED  
EQUIPMENT & MATERIALS  
BY WATER QUALITY  
DATE July 17, 2001  
Jm

RECEIVED

CONSTRUCTION GRANTS &  
LOAN SECTION

- Section 1 - Definitions
- Section 2 - Use of Public Sewers Required
- Section 3 - Private Wastewater Disposal
- Section 4 - Building Sewers and Connections
- Section 5 - Excluded Wastes
- Section 6 - Pretreatment
- Section 7 - Flow and Concentration Control
- Section 8 - Measurement of Flow
- Section 9 - Control Manhole
- Section 10 - Determination of Character and Strengths of Wastes
- Section 11 - Authority for Inspection - Access to Premises
- Section 12 - Protection of Equipment/Property
- Section 13 - Reviewing Authority and Amendment
- Section 14 - Enforcement and Penalties
- Section 15 - Application for Industrial Service - Authorization Required
- Section 16 - User Deposits
- Section 17 - Establishment and Periodic Adjustment of User Charges
- Section 18 - Domestic Wastewater Charges
- Section 19 - Industrial Wastewater Charges
- Section 20 - Billing and Collecting
- Section 21 - User Bill Complaints and Adjustments
- Section 22 - Determining Minimum Distances and Sizes
- Section 23 - Extension of Sewer Services to Customers Outside Corporate Limits
- Section 24 - Financing Extensions Outside Corporate Limits
- Section 25 - Financing Extensions Within Corporate Limits
- Section 26 - Severability
- Section 27 - Effective Date

A RESOLUTION ADOPTING REGULATIONS  
OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF  
SNOW HILL TO REGULATE AND CONTROL THE  
DISCHARGE OF WASTEWATERS INTO THE SANITARY  
SEWERAGE SYSTEM OF THE TOWN OF  
SNOW HILL, NORTH CAROLINA

BE IT RESOLVED BY THE TOWN BOARD OF COMMISSIONERS OF SNOW HILL, NORTH CAROLINA, as follows:

That the Town Board of Commissioners of the Town of Snow Hill, North Carolina, does hereby adopt and approve the following Regulations:

REGULATIONS  
OF  
THE TOWN BOARD OF COMMISSIONERS  
OF THE TOWN OF SNOW HILL  
NORTH CAROLINA

Adopted for the purpose of regulating and controlling the discharge of wastewaters into the sanitary sewerage system tributary to the wastewater treatment facilities of the Town of Snow Hill, North Carolina,

BE IT HEREBY RESOLVED BY THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF SNOW HILL, as follows:

SECTION 1 - DEFINITIONS

- Section 1.01 The following words, terms and phrases, wherever used in these Regulations, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended. In addition, definitions contained in 40 CFR Part 35, 401 and 403 are hereby incorporated in this section in case of any conflicts.
- Section 1.02 Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°C) degrees C., expressed in milligrams per liter by weight.
- Section 1.03 Building sewer, or house connection, shall mean the connecting pipe from a building, beginning five (5') feet outside the inner face of the building wall, to the municipal sewer system.
- Section 1.04 Color is considered to be the true color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

- Section 1.05 Domestic waste shall mean all liquid and waterborne pollutants, exclusive of unpolluted water as defined in Section 1.28 or wastewater or wastes from processes or operations in industrial establishments, as defined in Section 1.09.
- Section 1.06 The Town is the Town of Snow Hill, North Carolina.
- Section 1.07 Town Board of Commissioners is the Town Board of Commissioners of the Town of Snow Hill, North Carolina.
- Section 1.08 Mayor shall mean the chief administrative officer of the Town. As used herein, it may also include any other Town employee delegated to act for the Town by the Mayor or by the Town Board of Commissioners.
- Section 1.09 Industrial waste shall mean the liquid and waterborne pollutants resulting from processes or operations employed in industrial establishments, as defined in the Standard Industrial Classification Manual, 1972, Office of Management and Budget of the Federal Government, as amended and supplemented, under the following divisions:
- a. Division A - Agricultural, Forestry and Fishing
  - b. Division B - Mining
  - c. Division D - Manufacturing
  - d. Division E - Transportation, Communications, Electric, Gas and Sanitary Sewer Services
  - e. Division I - Services
- Section 1.10 Infiltration - Water other than wastewater that enters a sewerage system (including sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.
- Section 1.11 Infiltration/Inflow - The total quantity of water from both infiltration and inflow without distinguishing the source.
- Section 1.12 Inflow - Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- Section 1.13 Normal waste shall mean a waste having an average concentration of 250 milligrams per liter of BOD, or less, and 250 milligrams per liter of Suspended Solids, or less, as determined by samples taken before entering the public sanitary sewers.

- Section 1.14 Person is any individual, firm, company, association, corporation, governmental agency, Board, Commission, or municipal corporation other than the Town of Snow Hill.
- Section 1.15 pH shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution. Stabilized pH is that determined after a sample of the waste has been subjected to natural aeration.
- Section 1.16 Private wastewater disposal system shall mean any facility for wastewater treatment and disposal not maintained and operated by the Town.
- Section 1.17 Properly shredded garbage shall mean the organic wastes resulting from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle being greater than one-half (1/2") inch in any dimension.
- Section 1.18 Receiving stream is that body of water, stream or watercourse receiving the discharge from a wastewater treatment plant, or that body of water, stream, or watercourse formed by the effluent from a wastewater treatment plant.
- Section 1.19 Replacement - Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- Section 1.20 Sanitary sewer shall mean a public sewer controlled by a governmental agency or public utility that carries liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground and surface waters that are not admitted intentionally.
- Section 1.21 Sanitary sewerage system shall mean and include any part of the public sanitary sewer or systems, including wastewater pumping stations, that discharge into wastewater treatment facilities owned and/or operated by the Town.
- Section 1.22 Slug shall mean any discharge of water or wastewater of any duration during which the rate of flow, or concentration of any constituent increases to such magnitude as to adversely affect the operation of the sewer system or the ability of the Town's wastewater treatment facilities to meet the water quality objectives.
- Section 1.23 Storm Sewer - A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.
- Section 1.24 Strength of waste is the concentration, expressed in milligrams per liter by weight (mg/l), of a pollutant or substance contained in the liquid waste.
- Section 1.25 Standard Methods shall mean the analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater,"-

published by the American Public Health Association, or "EPA Methods of Chemical Analysis of Water and Wastes," as published by the Environmental Protection Agency, Water Quality in April 1971, or subsequent editions.

Section 1.26 Suspended Solids shall mean the total solid matter that either floats on the surface of, or is suspended in, water or liquid waste, and which is removable by laboratory filtration.

Section 1.27 Treatment Works - Any devices and systems for the storage, treatment, recycling, and reclamation of sewage, domestic sewage, or liquid industrial wastes.

Section 1.28 Unpolluted wastewater shall mean any wastewater which is substantially free of pollutants and is discharged from the following:

- a. Rain downspouts and drains
- b. Footing drains
- c. Storm and surface water drains
- d. Cooling water system

Unpolluted wastewater shall contain, by definition, none of the following:

- a. BOD in excess of ten (10) milligrams per liter
- b. Suspended Solids in excess of ten (10) mg/l
- c. Free or emulsified greases or oils
- d. Acids or alkalies
- e. Phenols or other substances imparting taste or odor in receiving waters
- f. Toxic or poisonous substances
- g. Noxious or odorous gases
- h. Temperature in excess of 150°F.

Unpolluted wastewater shall also mean any wastewaters judged by the Department of Environment and Natural Resources of the State of North Carolina to be admissible to streams and water courses under the jurisdiction of said Agency, and in accordance with the standards of water quality established by said Agency for the particular stream or water course into which such unpolluted wastewater is to be discharged.

Section 1.29 User Charge - A charge levied on users of a treatment works, for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.

AN ACT AMENDING SECTION 2.02 OF TITLE 5 OF THE CODE OF ORDINANCES OF THE TOWN OF SNOW HILL ENTITLED "REGULATIONS OF THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF SNOW HILL, NORTH CAROLINA FOR THE PURPOSE OF REGULATING AND CONTROLLING THE DISCHARGE OF WASTEWATERS IN TO THE SANITARY SEWERAGE SYSTEM."

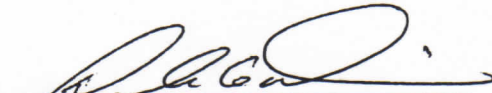
Such act shall be amended by adding the following section:

In lieu of requiring connection as aforesaid, the Board of Commissioners may require payment of the minimum monthly sewer charge for business/non-residential customers which already have in use a septic tank approved by the Greene County Health Department; provided, however that such business/non-residential customers use an average of 2000 gallons of water or less per month, averaged over a twelve month period. If the Board so determines, the minimum monthly sewer charge shall be paid and collected under the same rules and regulations provided for payment and collection of water and sewer service for customers actually connected to the sewer system. Such owner may continue use of the septic tank for so long as such charge is duly paid and for so long as said septic tank remains suitable for such use as determined by the Greene County Health Department and for so long as the average water use of said business/non-residential customer remains less than 2000 gallons of water.

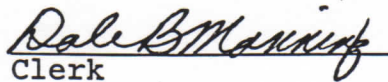
In the event of failure of the landowner to meet the conditions for waiving actual connection set forth above, the Board of Commissioners may require actual connection and shall notify such customer of its decision. Such customer shall have 60 days from the date of said notification to comply with the actual connection requirements.

This act shall be effective upon its adoption.

Adopted this 4th day of February, 2002.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk

Section 1.30 Shall is mandatory; may is permissive.

SECTION 2 - USE OF PUBLIC SEWERS REQUIRED

Section 2.01 It shall be unlawful for any person to discharge to any outlet other than a sanitary sewer, within the boundaries of the Town, any domestic or industrial wastes except where suitable treatment has been provided in accordance with subsequent provisions of these Regulations and State and Federal laws.

Section 2.02 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, who has installed suitable toilet and other facilities therein necessary for the discharge of domestic and industrial wastes, is hereby required at the owner(s)' expense to connect such facilities directly with the proper public sewer in accordance with the requirement of the Town, provided that such public sewer abuts the property. Connection shall be required to be completed within 120 days from the times a public sewer becomes available.

*\* See preceding page for amendment*

SECTION 3 - PRIVATE WASTEWATER DISPOSAL

Section 3.01 Where a public sanitary sewer is not available under the provision of Section 2.02, such toilet and other facilities necessary for the discharge of domestic and industrial wastes shall be connected to a private disposal system complying with the requirements of the appropriate state and/or local regulatory agency.

Section 3.02 Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit from the appropriate regulatory authority and furnish a copy thereof to the Mayor. The copy of the permit shall be accompanied by such supplementary data as deemed necessary by the Mayor to maintain an accurate file of such private wastewater disposal systems to facilitate the planning of future public sewer service.

Section 3.03 The type, capacity, location, and layout of a private wastewater disposal system shall comply with all requirements of the North Carolina Department of Environment and Natural Resources of the State of North Carolina or other such board or authority.

Section 3.04 At such time as 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 in compliance with these Regulations, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

Section 3.05 The owner(s) shall operate and maintain any private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.



Section 3.06 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by other state or federal agencies.

#### SECTION 4 - BUILDING SEWERS AND CONNECTIONS

Section 4.01 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

Section 4.02 There shall be two (2) classes of abuilding sewer permits:

- a. For residential and commercial service
- b. For service to establishments producing industrial wastes.

In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Mayor.

Section 4.03 All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4.04 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case the front building's sewer may be extended to the rear building's sewer and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 4.05 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town, to meet all requirements of this ordinance.

Section 4.06 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 4.07 Whenever possible, the building sewer should be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage

carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the user's expense.

- Section 4.08 No person(s) shall make connection to roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Section 4.09 The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and be verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Mayor before installation.
- Section 4.10 The applicant for the building sewer permit shall notify the Mayor when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Mayor or his representative.
- Section 4.11 All excavation for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner satisfactory to the Town.
- Section 4.12 The Town shall charge the applicant a sewer tap fee for which the Town will provide the building sewer from the Town right-of-way line to the sanitary sewer main. The owner(s) shall be responsible for installation of the building sewer on the owner(s) property to the Town's right-of-way including the connection to the tap provided by the Town. Charges for sewer taps are indicated in Attachment A. The Connection of the building sewer to the Town tap shall be inspected and approved by the Town building Inspector prior to the OWNER covering the connections.

#### SECTION 5 - EXCLUDED WASTES

- Section 5.01 No person shall discharge or deposit any of the following materials, waste materials, wastes, gases or liquids into any sewer forming part of the sanitary sewerage system, except where these may constitute occasional, intermittent inclusions in the wastewaters discharged from residential premises:
- a. Any waste, liquid or vapor, at a temperature exceeding 40°C (104°F) or at such lower temperatures that will create hazardous conditions within, or cause deterioration of, the sanitary sewers.
  - b. Any water or waste containing more than fifty (50 milligrams per liter of petroleum substances, non-biodegradable cutting oils, or products of mineral origin.

- c. Wastewater containing oil, fat or grease (exclusive of petroleum substances) of concentrations greater than 100 mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0° and 65° at the point of discharge into the system.
- d. Any garbage that has not been properly shredded. Properly shredded garbage shall not exceed 1/2" in any dimension.
- e. Any waters or wastes having a stabilized pH lower than five point five (5.5) or higher than ten point zero (10.0) or having any other corrosive property capable of either causing damage or creating a hazard to structures, equipment or personnel of the sanitary sewerage system and wastewater treatment facilities or interfering with proper operation of the Town's wastewater treatment facilities.
- f. Any waters or wastes having a color which is not removable by the existing wastewater treatment plant processes and causes the plant effluent to exceed color requirements for discharge to the receiving waters.
- g. Any water or waste having a BOD<sub>5</sub> in excess of 350 mg/l unless identified as an industrial waste for billing purposes.
- h. Any water or waste having a Total Suspended Solids (TSS) concentration in excess of 350 mg/l unless identified as an industrial waste for billing purposes.
- i. Any water or waste having an Ammonia (NH<sub>3</sub>) concentration in excess of 30 mg/l unless identified as an industrial waste for billing purposes.

Section 5.02 No person shall discharge or deposit any of the following materials, waste materials, waste gases or liquids into any sewer forming part of the sanitary sewerage system:

- a. Any gasoline, benzene, naphtha or other hydrocarbon solvents or oils, or other flammable or explosive liquids, solids or gases including any waters or wastes which contain, at the point of discharge to the sewer system, explosive elements such that any single reading on an explosion hazard meter exceeds 10% of the Lower Explosive Limit (LEL) or any two (2) successive readings that exceed 50% of the LEL.
- b. Any other solid or viscous substance in quantity or character capable of causing obstruction to flow in sewers or interference with proper operation of wastewater treatment facilities, such as, but not limited to ashes, cinders, ceramic wastes, paper products, sand, mud, straw, shavings, thread, glass, rags, metal, feathers, bones, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other fleshy particles from processing or packing plants, lime or similar sludges.

- c. Any noxious or malodorous gas or any substance capable of creating a public nuisance when introduced into the sewerage system.
- d. Any unpolluted wastewater, as defined in Section 1.28. Unpolluted wastewater may be discharged to the Town's storm sewer system provided that such discharge is in complete accordance with State and Federal laws.

Section 5.03 No person shall discharge into any sewer forming part of the sanitary sewerage system, any of the following materials in concentrations exceeding the stated limits:

- a. Any toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with the wastewater treatment processes, or to constitute a hazard to humans or animals, or to cause a violation of the water quality standards or effluent standards for the stream or watercourse receiving the effluent from the Town sewer system.

Concentrations of heavy metals and other incompatible pollutants in the discharge of any user of the sanitary sewerage system shall not exceed values listed below: (all values are in mg/l)

Copper	0.5	Cyanide, total	0.5
Nickel	0.5	Cyanide, amenable	0.1
Zinc	0.5	Chromium, total	0.5
Lead	0.5	Chromium, hexavalent	0.1

- b. In the event of conflicts between values established in this Regulation and values established by applicable State or Federal rules, regulations, laws, etc., the more stringent value shall apply. Effluent limits contained in the NPDES Permit and water quality standards assigned to the receiving stream shall at no time be exceeded or contravened as a result of discharges to the Town's sewer system either within or without the values established in this Section.
- c. Any radioactive isotope in concentration greater than that permitted by the latest effective regulations promulgated under applicable Federal law.

SECTION 6 - PRETREATMENT

Section 6.01 Any person who is prohibited from discharging any substance as specified in these Regulations, shall have the sole responsibility to devise, at his own expense, the methods for eliminating the problem so as to make any waste discharge eligible for a permit or for compliance with these Regulations.

Section 6.02 Each user shall provide necessary wastewater treatment as required to comply with this regulation and shall achieve compliance with all Federal Categorical Pretreatment Standards-within the time limitations as specified by the Federal

Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be constructed, operated, and maintained in good working order at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this Regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the authority prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or the State upon request.

Section 6.03 Grease, oil and sand separators (traps) shall be required by the Town for the proper handling of liquid waste containing grease, oil and/or sand and/or other substances in excessive amounts. Gas stations, automotive repair shops, restaurants, and other similar businesses shall be required to provide grease, oil and/or sand separators.

#### SECTION 7 - FLOW AND CONCENTRATION CONTROL

Section 7.01 No person shall discharge any wastes or wastewaters in a "slug", as defined in Section 1.22.

Section 7.02 Any person now discharging or proposing to discharge wastes which may include "slugs", as defined in Section 1.22 may be required to provide facilities, or adopt procedures, for regulating, controlling, or equalizing the concentration of any constituent or the rate of waste discharge. Said facilities shall have a capacity of at least 80% of the normal volume of one (1) twenty-four (24) hour production period of wastewater and an outlet to the sewer controlled by a waterworks-type rate controller, or other approved device.

#### SECTION 8 - MEASUREMENT OF FLOW

Section 8.01 For domestic wastewater users on the municipal water and sewerage systems, the volume of water purchased shall be considered to be the volume of wastewater discharged. In the event a user is connected to the Town sewerage system but is not connected to the Town water system, a mutually acceptable alternate means for determining volume must be negotiated between the Town and the user.

Section 8.02 The volume or quantity of industrial waste discharged by any person into the sanitary sewerage system shall be measured by one or more of the following methods:

- a. If the volume of water used by any person in his industrial or process operations is substantially the same as the volume secured from the

municipal waterworks system, then the volume of water purchased shall be considered to be the volume of waste discharged.

- b. If, on the premises of any person discharging industrial waste into the sanitary sewerage system, a substantial portion of the water secured from the municipal waterworks system is not used for industrial purposes, or if not returned to the sanitary sewerage system, the quantity of industrial waste shall be determined as follows:
  1. By a meter (or meters) on the water supply line (or lines) to the industrial and/or process operations, or
  2. By a meter (or meters) on the waste line (or waste lines) from the industrial and/or process operations.
  3. If meters as required under 1. and 2. above have not been installed, by an estimate, made by the Mayor, of the proportion of the water purchased which is used for industrial purposes and returned to the sanitary sewerage system.
- c. If any person now discharging or proposing to discharge industrial wastes into the sanitary sewerage system does not secure his entire water supply requirements from the municipal water works system such person shall install and maintain a meter (or meters) on the waste line (or waste lines) from his industrial and/or process operations, or shall install such additional meters on the private water supply as required to permit determination of the total quantity discharged to the sewers from both sources under procedures comparable to subsections a. and b. above.

#### SECTION 9 - CONTROL MANHOLE

Section 9.01 Any person who on the effective date of these Regulations is discharging industrial waste into the sanitary sewerage system shall provide reasonable access, means and facilities for the purpose of permitting the convenient observations, measurements, and sampling of such industrial waste. If such access, means and facilities are not otherwise available such person shall construct and maintain an accessible and safe control manhole on the waste line or lines for such purposes.

Section 9.02 After the effective date of these Regulations, any person proposing to discharge industrial wastes in quantities greater than 25,000 gpd, or with strengths equivalent to 25,000 gpd of domestic wastewater, shall provide a control manhole in accordance with the requirements of the Town.

## SECTION 10 - DETERMINATION OF CHARACTER AND STRENGTH OF WASTES

Section 10.01 The industrial waste and/or other pollutants being discharged by any person into the sanitary sewerage system shall be subject to periodic inspection. A determination of character and strength of said wastes may be made annually, or more often as may be deemed necessary by the Mayor or his authorized assistants.

Section 10.02 Samples shall be collected manually or mechanically over such period of time and composited in such a manner as to be representative of the wastes being discharged. The laboratory methods followed in the examination of said wastes shall be those as set forth in the latest edition of "Standard Methods" as defined in Section 1.25.

Section 10.03 The determination of the character, strength, or quantity of the wastes as made by the Mayor, or his authorized assistants, shall be binding as a basis for computation of charges, or for actions by the Town Board of Commissioners.

When requested by the person discharging, the samples may be split to permit analysis by the discharger, or a qualified independent laboratory, for the discharger's information.

The person discharging wastes may request additional sampling and analyses which will be performed, as soon as practical, with all costs, as determined by the Town, being borne by the discharger.

## SECTION 11 - AUTHORITY FOR INSPECTION - ACCESS TO PREMISES

Section 11.01 The Mayor and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, flow measurement, sampling, and testing of industrial waste and other pollutants, in accordance with these Regulations.

Section 11.02 The Mayor and other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information if the industry can establish that the revelation of the public of the information in question might result in an advantage to competitors.

Section 11.03 While performing the necessary work on private properties referred in Section 11.01 above, the Mayor and duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by

negligence or failure of the company to maintain safe conditions as required in Section 9.01.

#### SECTION 12 - PROTECTION OF EQUIPMENT/PROPERTY

Section 12.01 No person shall maliciously, willfully or negligently break, damage, destroy, deface, tamper with or remove any equipment or materials or properties of the Town. Only persons authorized by the Mayor will be allowed to uncover, adjust, maintain, and remove such equipment and materials and property.

#### SECTION 13 - REVIEWING AUTHORITY AND AMENDMENT

Section 13.01 The Town Board of Commissioners of the Town of Snow Hill shall be the reviewing authority for all appeals of actions or administrative determinations under the provisions of these Regulations. Notice of an intent to appeal a request for a hearing shall be addressed to the City Clerk in writing and shall detail the nature of the appeal. An early date for such hearing shall be set by the Board of Commissioners and the appellant promptly notified in writing. The decision of the Board of Commissioners after such hearing shall be final and conclusive and shall be conveyed to the persons involved in writing.

Section 13.02 The Town Board of Commissioners expressly reserves the absolute right to amend, modify, rescind, or supplement these Regulations.

Section 13.03 Nothing contained in these Regulations shall be construed as preventing the execution of a contract, special agreement, or arrangement between the Town and any person whereby water or wastewaters of unusual strength, character, or quantity may be admitted into the sanitary sewerage system upon such terms and conditions as the Town Board of Commissioners deems appropriate. All such agreements shall be in complete accord with all applicable local, state, and Federal requirements.

#### SECTION 14 - ENFORCEMENT AND PENALTIES

Section 14.01 The provisions of this Regulation shall apply to all users of the municipal sanitary sewerage system regardless of location within or outside of the Town limits.

Section 14.02 The Mayor shall endeavor to assure compliance with the requirements of these Regulations by conference and persuasion. If such efforts, over a reasonable period of time, are futile the Mayor shall take formal actions provided hereafter.



Section 14.03 In any case involving a person who is discharging waste into the sanitary sewerage system and where the Mayor finds that such person has failed to comply with any of these Regulations, the procedure for enforcement shall be as follows:

- a. The Mayor shall give notice to such person by registered mail stating the specifics of the failure of compliance and requiring that the person remedy the failure within seventy-two (72) hours.
- b. The Mayor may thereupon, without further notice, cause the water service from the public water system to be discontinued for such person or cause the connection to the sanitary sewer system to be severed for such person.
- c. In any case where water service is discontinued or the sewer connection is severed by the Town for enforcement purposes, the restoration of such service shall be conditioned on full compliance by such person and payment of any expense incurred in the enforcement proceeding and in the restoration of service.
- d. The Town may, in its discretion, continue or restore water or sewer service in a case of failure of compliance on condition that such person furnish a bond or other security, with terms as specified by the Town, to hold harmless the Town from any loss or expense that it may incur as a result of such noncompliance or any further noncompliance.

Section 14.04 In any case involving a person who fails to comply with any of these Regulations but who is not discharging waste into the sanitary sewerage system, the Mayor shall give notice to such person by registered mail stating the specifics of the failure of compliance and requiring that the person promptly remedy the failure. At the same time, the Mayor shall report the facts of such case, in writing to the Town Board of Commissioners and to such other government agency as may have jurisdiction and power to take appropriate enforcement action.

Section 14.05 In any case involving the use of the Town sewerage system the Town shall have the right to collect the costs of treatment for the wastewater discharged by the user to the Town sewerage system.

Section 14.06 The Town reserves the right to discontinue its service without notice for the following reasons:

- a. To prevent fraud or abuse
- b. User's failure to pay user's bills as provided for in this Regulation
- c. Emergency repairs
- d. Legal processes

- e. Direction of higher public authorities
- f. Strike, riot, fire, flood, accident, or any unavoidable cause

Section 14.07 Violation of this Ordinance shall constitute a misdemeanor, punishable by a fine not in excess of \$1,000.00 per day per violation or imprisonment not in excess of 30 days or both within the discretion of the court. In addition, or in lieu of, or together with any criminal penalties, the Town shall be entitled to injunctive relief together with any damages caused by a violation of this Ordinance.

SECTION 15 - APPLICATION FOR INDUSTRIAL SERVICE - AUTHORIZATION  
REQUIRED

Section 15.01 All users discharging industrial wastes or wastes other than normal waste into the Town's sanitary sewerage system shall be required to make application for service to the Town.

Section 15.02 Users making application for service to the Town shall do so in writing and shall provide the following information in support of the application:

- a. Name, address, and standard industrial classification of user.
- b. Average volume of wastewater to be discharged. Sixty (60) minute peak wastewater flow rates included daily, monthly, and seasonal variations. Time and duration of discharge.
- c. Wastewater constituents and characteristics as determined by chemical analyses by a certified analytical laboratory for all applicable parameters.
- d. Description of activities, facilities and plant processes on the premises including all chemicals, materials, and types of materials which are, or could be, discharged.
- e. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, and appurtenances by size, location and elevation.
- f. Any other information as may be deemed appropriate by the Mayor or his authorized representative.

Section 15.03 The Mayor shall approve or disapprove all applications in writing. Reason(s) for disapproval will be provided.

Section 15.04 Approvals of application for service shall be valid until rescinded. The Town reserves the right to modify the terms and conditions of providing sewer service at any time based on demonstrable causes.

## SECTION 16 - USER DEPOSITS

- Section 16.01 A deposit for sewer service shall not be required provided the user is also a user of the Town water system. In the event a sewer user is not also a Town water user, a deposit will be required in accordance with the remaining provisions of this Section.
- Section 16.02 All applicants shall make a cash deposit to secure payments for sewer service not to exceed the amount of an estimated two (2) months bill. The deposit shall be in accordance with the class and scope of the service and shall not draw any interest.
- a. Residential and Commercial shops with five-eighths (5/8") inch water meters shall provide a minimum deposit of \$25.00.
  - b. Services with water meters larger than five-eighths (5/8") inch shall provide a minimum deposit of \$50.00 or two (2) times the estimated normal consumption based on previous users or on other similar businesses.
- Section 16.03 The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the services furnished.
- Section 16.04 The deposit receipt is not negotiable and can be redeemed only at the Water Deposit Office.
- Section 16.05 Where the Town finds that the request for a deposit refund is questionable, the Town may require the applicant for refund to produce the deposit receipt properly endorsed.
- Section 16.06 When services are discontinued and all bills paid, the remaining portion of the deposit will be refunded.
- Section 16.07 Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the Town toward settlement of the account. Any balance will be refunded to the user; however, if the deposit is not sufficient to cover the bill, the Town may proceed to collect the balance in the usual way provided by law for the collection of debts. Services will be restored only by payment of the balance, if any, or the outstanding bills, and a new deposit being made in the amount of the customer deposit required above.

## SECTION 17 - ESTABLISHMENT AND PERIODIC ADJUSTMENT OF USER CHARGES

- Section 17.01 The Town Board of Commissioners shall review not less often than once per year the sewage contributions of users, the total costs of operation and maintenance (including replacement) of the sewerage facilities, and the user

charge system. The Town Board of Commissioners shall revise the user charges, if necessary, to accomplish the following:

- a. Maintain the proportionate distribution of operation and maintenance costs among users and user classifications. Each user shall pay its proportionate share of operation and maintenance (including replacement) costs.
- b. Generate sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance (including replacement) of the sewerage facilities.
- c. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Section 17.02 First year costs associated with this Regulation were developed based on historical and projected costs. All future charges will be based on actual costs.

Section 17.03 Each user discharging any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the treatment works shall pay for one hundred (100%) percent of such increased costs.

Section 17.04 All flow to the sewerage facilities not directly attributable to the users (i.e. infiltration/inflow) shall be distributed among all users and user classes of the sewerage facilities in the same manner as operations and maintenance costs are distributed.

Section 17.05 Each user shall be notified, at least annually, in conjunction with a regular bill, *of the rate and that portion of the user charge which is attributable to operation and maintenance of the sewerage facilities.*

## SECTION 18 - DOMESTIC WASTEWATER CHARGES

Section 18.01 The domestic wastewater charge shall be applicable to all sewer system users except industrial users as defined in Section 19.01. Industries with discharges from sanitary convenience only are considered domestic customers.

Section 18.02 The domestic wastewater charge is hereby established at a flat rate per one thousand (1,000) gallons as shown in Attachment A, effective on the first regular meter reading date for each user after final approval of this Regulation by the Town Board of Commissioners of Snow Hill.

The wastewater charges shall be based on the following formula:

$$\text{Charges/1000 gallons} = \frac{\text{Total Cost of O \& M}}{\text{Total volume of flow (in thousands of gallons)}}$$

There shall be a minimum charge per month as shown in Attachment A. A minimum bill is required even in the event of non-use, such as is typical for resort areas. There shall be no discounts for increased quantity.

## SECTION 19 - INDUSTRIAL WASTEWATER CHARGES

Section 19.01 Industrial wastewater charges or "surcharges" shall be applied to "Industrial Users", defined as follows:

a. Industrial User shall mean any nongovernmental nonresidential user of the Town sewerage system that discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastewater and is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

1. Division A - Agriculture, Forestry, and Fishing
2. Division B - Mining
3. Division D - Manufacturing
4. Division E - Transportation, Communications, Electric, Gas, and Sanitary Services
5. Division I - Services

In determining the amount of a user's discharge for purposes of classification domestic wastewater discharges from sanitary conveniences shall be excluded. After applying the sanitary waste exclusion, discharges in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or Suspended Solids (SS) equivalent to that weight found in 25,000 gpd of sanitary wastes are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users.

b. Industrial User shall also mean any other industrial, commercial or institutional user of the sanitary sewerage system that discharges wastewater to the treatment works which contain toxic pollutants, poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, of contaminate the sludge at the treatment works, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

- c. Industrial User shall also mean any person discharging wastewater with concentrations in excess of 350 mg/l for BOD or Suspended Solids or 30 mg/l for Ammonia Nitrogen.

Section 19.02 The industrial wastewater charges shall be established not less than one (1) time per year and at the same time domestic user charges are established. Industrial wastewater charges shall be based on the actual costs for providing sewer services during the preceding fiscal year. The charges so computed along with projected increases in costs shall be the basis for estimating the increases in costs shall be the basis for estimating the monthly billings to each such customer for the following fiscal year. The charges collected shall be adjusted to actual costs at the end of each fiscal year and appropriate credits given against billings in the ensuing year, or additional billings made to each such customer, using the actual wastewater quantities and characteristics discharged by that customer during the preceding fiscal year as the basis for computing the adjusted charges.

The actual costs shall be determined as soon after the end of each fiscal year as possible and until such time the charges for the current year shall be based on either the rates for the prior year or on estimated rates for the current year.

Section 19.03 The costs included in the computation of actual charges for the preceding fiscal year, or of estimated charges for an ensuing fiscal year, shall include the following:

- a. Operation and maintenance expenses.
- b. Interest and principal on outstanding sewer bond issues.

Section 19.04 Industrial wastewater surcharges, in addition to the normal charges calculated in accordance with Section 18.02, will be established for each of the following parameters:

- a. BOD, per pound
- b. Suspended Solids, per pound
- c. Other Parameters as applicable, per pound

The surcharges will be calculated by the following formula:

$$\text{Surcharge} = \frac{[\text{O \& M cost/unit of BOD} + \text{O \& M cost/unit of Suspended Solids} + \text{O \& M cost/unit of any pollutant}]}{\text{volume contribution of user/time}}$$

Industrial wastewater charges shall become effective on the first regular meter reading date for each user after said user is connected to the Town system, and after written notice from the Town of classification as an Industrial User. Interim monthly charges based on domestic user charges shall be invoiced and collected during the period equitable industrial rates are being developed. At

the time of adoption of these Regulations there were no industrial dischargers on the Town of Snow Hill Sewerage System.

- Section 19.05 The Town Board of Commissioners may establish classes of Industrial Users and assign representative strengths of wastewater to each. Such class wastewater characteristics may recognize analyses of representative users of each class based on typical data from other sources. To the extent practical, actual data for each Industrial User's wastewater shall be used. Industrial Users assigned standard strength parameters may request sample analyses of wastewater. Upon determination of the characteristics on samples representative of the wastewater on not less than three (3) working days, such characteristics shall be used in determining the charges until the wastewater may again be sampled.
- Section 19.06 The Town Board of Commissioners may consolidate the component charges of the industrial wastewater charges into a single volume charge which includes the characteristic charges computed for a unit volume of one thousand (1,000) gallons. Such a weighted volume charge may be applicable to a class of users or to each user where his actual wastewater characteristics are known.
- Section 19.07 Industrial Users exhibiting marked, seasonal load variations shall pay charges which recognize the dedication or reservation of capacity for the treatment of their seasonal peak operating loads, and any unusual operation and maintenance costs directly related to such seasonal loads. This provision shall apply only to those Industrial Users whose peak loads exceed ten (10%) percent of any capacity parameter and are at least twice its off season loads.
- Section 19.08 The user charge system herein enacted shall take precedence over any pre-existing agreements concerning the charges to be collected for providing wastewater treatment services or reserving capacity.

#### SECTION 20 - BILLING AND COLLECTING

- Section 20.01 Sewer user bills shall be rendered monthly and shall be due and payable within ten (10) days of the date of billing. The service may be discontinued without further notice for non-payment. The Town reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
- Section 20.02 Bills for sewer service will be calculated in accordance with the Town's published rate schedule then in effect and will be based on the amount consumed for the period covered by meter readings.
- Section 20.03 Charges for services commences when the sewer tap is installed and connection made, whether used or not. Sixty (60) days may be allowed for hookup on initial installation of a sewer line.
- Section 20.04 Failure to receive bills shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

Section 20.05 Sewer connections that have been plugged or severed due to delinquent accounts shall be unplugged or reconnected to the sewer system upon the payment of all outstanding sewer user bills and payment of a reconnection fee of \$50.00.

#### SECTION 21 - USER BILL COMPLAINTS AND ADJUSTMENTS

Section 21.01 If a user believes a bill to be in error, the user shall present a claim, in person or in writing, at the Water Department's office before the bill becomes delinquent. Such claims, if made after the bill has become delinquent shall not be effective to prevent discontinuance of service as heretofore provided. The user may pay such bill under protest and payment under protest shall not prejudice his claim.

Section 21.02 A user's sewer bill shall be adjusted automatically in the event of a similar adjustment of a water bill, provided the basis for adjustment was based on circumstances which also affected the sewer bill.

Section 21.03 The Town Board of Commissioners shall be the final reviewing authority for all appeals.

#### SECTION 22 - DETERMINING MINIMUM DISTANCES AND SIZES

Section 22.01 All extensions of the sanitary sewer service shall be governed by the following:

- a. The minimum distance for any extension of a sanitary sewer main shall be determined by the Town Board of Commissioners. In general, the minimum distance for extensions shall be made from manhole of manhole.
- b. The size of sanitary sewer mains to be installed and the other required system facilities shall be determined by the Town Board of Commissioners in accordance with the recognized standards and accepted engineering practices and design, and in accordance with applicable system plans adopted by the Town Board of Commissioners.

#### SECTION 23 - EXTENSION OF SEWER SERVICES TO CUSTOMERS OUTSIDE CORPORATE LIMITS

Section 23.01 Sewer service may be provided to customers outside of the corporate limits of the Town upon the following conditions:

- a. Developers, subdividers, owners, and others wishing such service shall submit for approval to the Town preliminary plans and specifications for all sewer lines for proposed projects, which plans shall comply with all requirements made by the Town for such installations. Such plans must be approved before final plans are prepared. The Town



Engineer shall prepare all final plans and specifications. All installations must comply with such plans and must be inspected by a Town representative during construction and upon completion. Construction of the sewer extension shall be by the Town or a qualified private contractor under contract with the Town.

- b. The developers, subdividers, owners, etc., will provide easements in such form as the Town may require for lines, manholes, and appurtenances and for installation and maintenance thereof. Such easements shall be furnished prior to any service being furnished.
- c. At the time of submission of plans for the systems the owners shall ask that the property to be served and all improvements thereon be annexed to the Town at such time as the Town finds this lawful and practical. Such request for annexation will remain open indefinitely, will bind the heirs, successors, grantees and assigns of the owner, developer, subdivider, etc., and may be accepted by the Town at any time unless the area involved becomes annexed to some other municipality. The request for annexation may be withdrawn if the Town does not provide sewer services, as requested by the developer, owner, subdivider, etc., but not if such action is caused by failure to pay for services rendered or for damages done of the system or systems by the willful or negligent acts of the developer, subdividers, owner, etc., or their heirs, successors, grantees, or assigns of the agents, servants, employees, invitees, or licensees or any of them.
- d. This Regulation in its entirety shall be in full force and effect with respect to all users outside the Town limits that are connected to the Town sewer system.

#### SECTION 24 - FINANCING EXTENSIONS OUTSIDE CORPORATE LIMITS

Section 24.01 All applications for sewer extensions outside the corporate limits shall be made as provided in these Regulations.

Section 24.02 If an application is approved by the Town Board of Commissioners, the owner shall be required to pay one hundred (100%) percent of the total cost of all extensions including the cost of engineering and resident inspection provided by the Town, if applicable; provided the municipality may participate to the extent agreed upon by the Town Board of Commissioners in the cost of larger size mains that are in excess of the size mains required to serve the project. No reimbursement shall be made upon annexation and all sewer lines connected to the municipal system and located outside the corporate limits shall become the property of the municipality at the time such facilities are connected.

Section 24.03 Prior to the beginning of any construction of sewer extensions by the Town, the owner shall deposit with the municipality funds in an amount equal to one hundred (100%) percent of the total estimated cost of such extensions. Upon receipt of such funds a written contract shall be entered into by and between

the municipality and the property owner in accordance with the requirements of this article. Such contract shall provide that in the event the funds deposited exceed the amount of the total extension cost when completed, that portion in excess of the total cost will be refunded to the owner without interest. Such contract shall also provide that if the amount deposited is less than the total cost when completed, the owner shall pay such additional amount to the municipality upon demand.

Section 24.04 In lieu of depositing funds, the owner may execute a surety bond or similar document guaranteeing payment for such extension.

#### SECTION 25 - FINANCING EXTENSIONS WITHIN CORPORATE LIMITS

Section 25.01 Extensions to approved subdivision or developed property:

- a. When application is received requesting the extension of sanitary sewer service to serve property within the corporate limits which is 1) developed or has been previously approved as a subdivision, or 2) where streets have previously been dedicated and accepted by the municipality and where such area is not part of a new subdivision which has not been approved by the municipality, the developer or other person designated by the Town Board of Commissioners shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the Town Board of Commissioners of approval. If the application is approved by the Town Board of Commissioners, and subject to the availability of funds, the municipality will install, or have installed by contract under its supervision, the extension which has been approved, and such extension shall be financed in accordance with subsection (b).
- b. When approved sanitary sewer extension project has been completed and the total cost thereof has been determined, a percentage of the total cost of such sanitary sewer extension may be accessed against the property owners whose property abuts upon such extension at an equal rate per front foot in accordance with and under the authority granted to the municipality by General Statutes 160A-216 through 160A-237. The remaining percentage of the total cost of such extension shall be borne by the municipality from funds appropriated for this purpose. The costs of pumping stations and system facilities installed for general public use shall be paid for by the Town and shall not be included in the cost shared by property owners.
- c. Any property owner shall have the opportunity to pay his proportionate share of the cost of such extension after the assessment roll is confirmed rather than paying his share in equal annual installments with interest as required by the statute.

Section 25.03 Extensions to proposed subdivision within Town limits:

- a. The provisions of Section 23 shall be applicable to extensions to and in all proposed subdivisions in the Town limits. The developer shall be responsible for one hundred (100%) percent of the sewer extension costs, including engineering and resident inspection services provided by the Town, if applicable.

Section 25.03 Facilities excluded in determining owner's share of costs:

- a. When the municipality determines that it is advisable to install larger size facilities than are necessary to serve the property requesting such extension, the difference in the cost of the larger size facilities over and above the cost of the facilities required to serve the property requesting such extension may be paid for by the municipality and excluded from the total cost to the property owner.

Section 25.04 Exceptions authorized:

- a. Nothing in this article shall prevent the Town Board of Commissioners from extending sanitary sewer mains on its own motion without receipt of an application from property owners, and assessing the cost of such extensions in accordance with subsection 25.01 of this section, when, in the opinion of the Town Board of Commissioners, the general public interest demands such extension of service.

SECTION 26 - SEVERABILITY

Section 26.01 If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution.

SECTION 27 - EFFECTIVE DATE

Section 27.01 This Resolution and these Regulations shall become effective on 09-10-01.

Section 27.02 ADOPTED ON September 10, 2001.

AMENDED ON \_\_\_\_\_.

This is a true and correct copy of the Town of Snow Hill's Sewer Use - User Charge Ordinance.

September 10, 2001  
Date

*Dale B Manning*  
Town Clerk



ATTACHMENT A - SEWER CHARGES

WASTEWATER CHARGES

There shall be a minimum charge of \$12.25 per month for users with sewer discharges between zero (0) and two thousand (2,000) gallons per month. For all discharges in excess of 2,000 gallons per month, there shall be a flat rate charge of \$5.50 per 1,000 gallons. There shall be no discounts for increased quantity.

Out-of-Town rates shall be same as in-Town rates.

TAP FEES

SINGLE FAMILY RESIDENTIAL AND COMMERCIAL

IN-TOWN

4" services \$300.00.

All services greater than 4" in size shall be at cost.

OUT-OF-TOWN

4" services \$400.00.

All services greater than 4" in size shall be at cost.

MULTI-FAMILY RESIDENTIAL (to include apartments, assisted living homes, and/or nursing homes)

Minimum fee of \$1,150 plus \$350 per bedroom.

*July 2005*

TABLE 1

SEWER OPERATING BUDGET PROJECTIONTOWN OF SNOW HILL - FIRST YEAR AFTER COMPLETION OF NEW WWTP

	<u>1999 Actual Budget</u>	<u>Proposed Budget w/New WWTP</u>	<u>Comments</u>
Admin Salaries	27,210	28,570	5% Increase
Office Supplies	2,003	2,100	
Operations Salaries	59,169	106,897	5% Increase + Cert Operator (\$37,000 SAL)
Telephone & Postage	3,266	3,500	
Electricity	36,281	55,175	WWTP 50,175; PS 5,000
Maintenance	10,045	11,000	
Auto Supplies	407	1,000	
Sewer Dept Supplies	10,891	12,000	
Uniforms	660	700	
Engineer & Contracted Services	26,960	3,500	
Insurance	6,894	7,000	
Miscellaneous	3,946	4,000	
Sludge Disposal	11,789	25,500	/
Capital Reserve	0	20,500	/
Permit Fees	715	1,000	/
Sewer Testing	9,881	10,000	Grade III WWTP
Capital Outlays/Contracted Services	16,085	20,000	Equipment
Contingency	<u>0</u>	<u>0</u>	
SUBTOTAL	226,202	312,442	
Depreciation	52,443	137,000	Includes \$84,550 Deprec for new WWTP .025 x 3,382,000
<b>TOTAL</b>	<b>\$278,645</b>	<b>\$449,442</b>	

TABLE 2

BUDGET SUMMARY - OPERATIONS PLUS NEW DEBT SERVICE

EXPENDITURES

	<u>Snow Hill</u>
Proposed Operating Budget (Not Including Depreciation)	312,442
New Debt Service	<u>129,855<sup>1</sup></u>
TOTAL	442,297

REVENUES

<u>Item</u>	<u>Snow Hill</u>
Interest	6,000
Miscellaneous	500
Local Option Sales Tax	0
Sales Tax Refund	2,000
Tap Fees	600
Service Charges	0
User Charges	<u>433,197</u>
TOTAL	442,297

<sup>1</sup> Assumes \$1,650,000 loan at 2.87%

TABLE 3 USER CHARGE PROJECTIONS

SNOW HILL

Snow Hill's metered water sales to sewer customers total 216,650 GPD or 79,077,250 gal/year

Snow Hill's user charges must equal = \$433,197/yr

Set basic administrative fee at \$1.25/user for billing

\$1.25 x 772 users x 12 months = \$11,580/year

Cost/1,000 gallons =  $(\$433,197 - \$11,580)/79,077.25 = \$5.33/1,000 \text{ gals}$  (Say - \$5.50/1,000 gals)

Say - Minimum Bill for 0 - 2,000 Gallons = \$12.25/Month [(2 x \$5.50) + \$1.25]  
Each 1,000 gallons over 2,000 gallons = \$5.50

Example: 5,000 gallons usage = \$28.75

CHAPTER 51: WATERS

Section

General Provisions

- 51.01 Turning on water
- 51.02 Application; fee
- 51.03 Deposit
- 51.04 Resale prohibited
- 51.05 Tampering with equipment prohibited

Measurement of Usage

- 51.10 Installation of meters; flat rates
- 51.11 Reading meters
- 51.12 Testing meters

Rates and Charges

- 51.20 Establishment of rates
- 51.21 Billing
- 51.22 Delinquent accounts

Statutory reference:

Authority to operate water, sewer systems, see G.S. §§ 160A-311 and 160A-312

GENERAL PROVISIONS

§ 51.01 TURNING ON WATER.

No water from the town water supply shall be turned on for service into any premises by any person but the Superintendent of the Street and Utility Departments or some person authorized by him to perform this service.

('74 Code, § 19-13) Penalty, see § 10.99

§ 51.02 APPLICATION; FEE.

(A) Application to have water turned on shall be made in writing to the Town Clerk and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the town water supply by the applicant.

(B) Each applicant shall pay a turn-on fee in an amount as set from time to time by the Mayor and Board of Commissioners.

('74 Code, § 19-14)

§ 51.03 DEPOSIT.

(A) A deposit in an amount set by the Mayor and Board of Commissioners shall be made with each application for water service, this sum to be retained by the town to insure payment of all bills.



(B) When service to the applicant is discontinued permanently this deposit, less any amount still due the town for water service, shall be refunded without interest.

('74 Code, § 19-15)

§ 51.04 RESALE PROHIBITED.

No water shall be resold or distributed by the recipient thereof from the town supply to any premises other than that for which application has been made and the meter installed, except in case of an emergency.

('74 Code, § 19-16) Penalty, see § 10.99

§ 51.05 TAMPERING WITH EQUIPMENT PROHIBITED.

It shall be unlawful for any person not authorized by the town to tamper with, alter, or injure any part of the town waterworks or supply system or any meter.

('74 Code, § 19-17) Penalty, see § 10.99

MEASUREMENT OF USAGE

§ 51.10 INSTALLATION OF METERS; FLAT RATES.

(A) All premises using the town water supply must be equipped with an adequate water meter furnished by the town but paid for by the consumer. Water service may be supplied by the town at a flat rate of charge until the meter may be installed. ('74 Code, § 19-18)

(B) Meters shall be installed in a location that will be easy of access. ('74 Code, § 19-19)  
Penalty, see § 10.99

§ 51.11 READING METERS.

The Superintendent of the Street and Utility Departments shall read or cause to be read every water meter used in the town at such times as are necessary that the bills may be sent out at the proper time.

('74 Code, § 19-20)

§ 51.12 TESTING METERS.

Any water meter may be taken out and tested upon complaint of the consumer upon payment of a fee as set by the Mayor and the Board of Commissioners. If upon test the meter is not within 3% of being accurate, it shall be repaired and replaced and the fee returned to the consumer.

('74 Code, § 19-21)

## RATES AND CHARGES

§ 51.20 ESTABLISHMENT OF RATES.

Water rates shall be set from time to time by the Mayor and the Board of Commissioners and those rates shall be posted in the office of the Town Clerk.  
( '74 Code, § 19-22)

§ 51.21 BILLING.

Bills for water used shall be dated and sent out at such times as may be directed by the Mayor and the Board of Commissioners.  
( '74 Code § 19-23)

§ 51.22 DELINQUENT ACCOUNTS.

The water supply may be shut off from any premises for which the water bill remains unpaid for a period of ten days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water.  
( '74 Code, § 19-24)

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS  
OF THE TOWN OF SNOW HILL TO SPECIFY THE ORDER  
IN WHICH PARTIAL UTILITY PAYMENTS ARE APPLIED**

WHEREAS, the Town of Snow Hill provides various enterprise services to its citizens and customers; and

WHEREAS, the Town of Snow Hill attempts to minimize its costs and billing expenses by billing all utility enterprise services on a single monthly bill; and

WHEREAS, the Town sometimes receives utility bill payments for less than the total amount of a monthly bill, and in that event, the Town then allocates the partial payment among the different utility charges in a certain order of priority; and

WHEREAS, the Board of Commissioners of the Town of Snow Hill, in accordance with General Statute 160A-314, desires to direct and determine the order of priority and allocation for partial payments received for various enterprise services covered by the Town's bills;


NOW, THEREFORE, BE IT ORDAINED that the Town of Snow Hill's "Water, Sewer and Garbage Billing Policies Book", a copy of which is available in the office of the Town Clerk, is hereby amended to add a new Section (XVI) to read as follows:

- (A.) In the event that any customer shall pay less than the entire amount due on any utility bill or statement from the Town of Snow Hill, the amount paid by the customer shall be applied by the Town among the various enterprise service categories in the following order of priority:
1. Garbage Service
  2. Water Service
  3. Sewer Service
  4. Late Payment Penalty


All ordinances in conflict with this ordinance are hereby superceded and this ordinance shall control.

DULY ADOPTED, this 8<sup>th</sup> day of March, 2004.

TOWN OF SNOW HILL

  
Donald G. Davis, Mayor



ATTEST:  
  
Mauren N. Baker, Interim Town Clerk

Cauley/Snow Hill/administrative/ord allocating partial payments 022704

## TITLE V: PUBLIC WORKS

### WATER QUALITY PROTECTION

#### Section 52.01. Definitions

As used in this article, the following terms *shall* have the meanings provided in this section unless the context clearly indicates otherwise.

**Air-Gap Separation.** An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air-gap vertical separation *shall* be at least double the diameter of the supply pipe. In no case *shall* the air-gap be less than one (1) inch.

**Approved:** Certified in writing by an authorized representative an acceptable device or methodology for the purpose of backflow prevention.

**Auxiliary Intake:** Any piping connection or other device whereby water *may* be secured from a source other than public water supply.

**Backflow:** Any flow of water into the public water supply from any other source due to a cross-connection, auxiliary intake, interconnection, backpressure, backsiphonage, any combination thereof, or other cause.

**Backpressure:** Any pressure on any source of water other than the public water supply that may be greater than the pressure on the public water supply and *may* result in a backflow.

**Backflow Prevention Device:** An approved effective device method used to prevent backflow from occurring in the potable water supply. The type of device required *shall* be based on degree of hazard, existing or potential.

**Back-Siphonage:** Any circumstance in which the pressure on the public water supply *may* be reduced to the point that the elevation and atmospheric pressure on a source of water other than the public water supply *may* result in a pressure to be greater than the pressure on the public water supply and *may* result in a back flow.

**Certified Tester:** A person who has proven his/her competency to test, repair, overhaul and make reports on backflow prevention devices as evidenced by certification of successful completion of a training program approved by an authorized representative.

**Confinement Device:** A backflow prevention device, as approved and required, installed within a private plumbing or distribution system to isolate a localized hazard from the remainder of said system.

**Consumer:** Any person, firm, or corporation responsible for any property at which water from the Town of Snow Hill public water supply is received. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the owner of record *shall* be ultimately responsible. A backflow prevention device as

approved installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

**Contamination:** The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality as to constitute a hazard or impair the usefulness of the water.

**Containment Device:** A backflow prevention device, as approved and required, installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

**Cross-connection:** Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

**Cross-Connection Control Coordinator:** The official position established and authorized by the Town of Snow Hill designated by an authorized representative to administer, interpret this section and who *shall* be a certified tester.

**Double Check Valve Backflow Prevention Device:** An approved assembly composed of two (2) single, spring-loaded independently operating check valves, including tightly closing shut-off valves located at each end of the assembly, and having suitable connections for testing the watertightness of each check valve.

**Dual Check Valve:** An approved device containing two (2) independently acting check valves in series.

**Fire Line:** A system of pipes and equipment used to supply water in an emergency for extinguishing fire.

**Interconnection:** Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, heat exchanger, storage reservoir, or other device which does or *may* contain sewage or other waste or substance which would be capable of imparting contamination to the public water supply.

**Pressure Vacuum Breaker:** An approved assembly containing an independently operating spring loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly must be equipped with suitable connections for testing the proper operation of the device and tightly closing shut-off valves located at each end of the assembly.

**Public Water Supply:** The water and waterworks system of the Town of Snow Hill and its customers outside the Town of Snow Hill limits, for general use and which supply is recognized as the public water supply by the North Carolina Department of Environmental Health and Natural Resources.

**Reduced Pressure Zone Principle Backflow Prevention Device (RPZ):** An approved device containing within its structure, two (2) spring loaded independently operating

check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks *shall* be less than the supply pressures. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, *shall* operate to maintain the pressure between the check valves less than the supply pressure. This device *shall* have suitable connections for testing the proper operation of the device, including tightly closing shut-off valves located at each end of the device.

#### Section 52.02. Compliance with Federal and State Law

The Town of Snow Hill will comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, and North Carolina State Building Code, which pertain to cross-connections, auxiliary intakes and interconnections, and establish an effective ongoing program to control potential sources of contamination of the public water supply.

#### Section 52.03. Unlawful Connections

It *shall* be unlawful for any person to cause a cross-connection, auxiliary intake or inter-connection to be made; or allow one to exist for any purpose whatsoever.

#### Section 52.04. Inspection of Property

It *shall* be the duty, upon request of the authorized representative, of the cross connection coordinator to cause inspections to be made of properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections *shall* be set by the authorized representative.

#### Section 52.05. Right of Access

An authorized representative, *shall* have the right to enter, at reasonable time, any nonresidential property served by a connection to the Town of Snow Hill public water supply for the purpose of performing the duties of this article. In those cases in which the property owner chooses not to provide such access, the authorized representative, *may* designate the location as a high hazard in accordance with Section 52.07.

#### Section 52.06. Existing Conditions

Any consumer *shall* be allowed ninety (90) days to correct any cross-connections, auxiliary intakes, interconnections or other hazard as defined by Section 52.07 of this code in violation of the provisions of this ordinance. The ninety (90) days will be from the date of receipt of the notification given by the Cross Connection Coordinator.

#### Section 52.07. Hazardous Uses

- (a) The following uses *shall* be classified as hazardous uses;
1. Hazardous uses include, but are not limited to: pumps and tanks handling sewage, radioactive, lethal, or toxic substances, boiler and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances, coils or jackets used as heat

exchangers, flush valve toilets without vacuum breaks, bacterial and viral materials, private wells or other private water supply, irrigation systems, water systems or hose connections, with booster pumps, carbonation equipment, or similar hazard potential as determined by the cross connection coordinator.

2. Any location at which the nature or mode of operations within a premises are such that frequent alterations are made to the plumbing or at which there is a likelihood in the determination of the Cross Connection Coordinator that protective measures may be subverted, altered, or disconnected.
3. Any facility which contains, but is not limited to, a bottling plant, cannery, building having five (5) or more stories, battery manufacturer, exterminator, greenhouse, chemical processing plant, dairy, dye works, film laboratory, car wash, hospital, commercial laboratory, laundry, metal fabricating operations, mortuary, swimming pool, morgue, x-ray equipment, medical office with laboratory, aspirator, medical washing equipment, packing house, plating plant, poultry house, power plant, nuclear reactor, those fire sprinkler systems equipped with facilities for introduction of freeze preventive chemicals or other substances other than water, dental office, any radioactive material, restaurant, shopping mall with tenant conducting any activity listed in this section and sewage pump or treatment facilities.

(b) All installations described in Section 52.07 of this code *shall* be deemed hazardous uses, and must have a containment device in the form of a reduced pressure zone backflow prevention device provided that, if the consumer demonstrates to the satisfaction of the cross connection coordinator that sufficient internal confinement devices have been installed and tested. The cross connection coordinator may require that the consumer provide engineering drawings sealed by a professional engineer of installations within the premises, which provide complete internal protection against cross-connection as approved by the cross connection coordinator. Any such connection *shall* be considered an other connection for determining the type of containment device required. Each internal confinement device *shall* be one of the following, as approved by an authorized representative: reduced pressure zone principle backflow prevention device, double check valve backflow prevention device, air gap, vacuum break-pressure type, or dual check valve. Each reduced pressure zone principal backflow prevention device serving as an internal confinement device shall have a mesh strainer immediately upstream of the inlet gate valve.

(c) No person *shall* fill any tanks or tankers which include the following: those containing pesticides, fertilizers, other toxic chemicals or residues, flush trucks, street sweepers, and nonpotable water tankers from a public water system except with an approved air gap fill or an approved reduced pressure backflow preventor properly installed on the tank or tanker or on the public water supply fill pipeline or hose.

#### Section 52.08. Other Connections

- (a) Services to single family residential units, not otherwise required by this code to have other containment devices, may have a containment device in the form of an approved dual check valve on all such services which meters are applied more than ninety (90) days following the date of adoption of this ordinance, said dual check valves or other

containment devices as required *shall* be installed by the owner's representative prior to the installation of the meter by the Town of Snow Hill Public Works Department. On all such services for which meters have been applied prior to that date, said dual check valve shall be installed by the Town of Snow Hill Public Works Department, provided that the Town of Snow Hill reserves the right to charge the owner or occupant of any residence for the cost of said device and its installation. Maintenance of dual check valve containment devices installed in accordance with this section *shall* be conducted by the Town of Snow Hill Public Works Department. Testable containment devices that are required on lawn irrigation water systems and must be tested every three (3) years by a contractor that has been approved by the Town of Snow Hill.

- (b) All other connections to the public water supply of the Town of Snow Hill *shall* have containment devices in the form of a double check valve backflow prevention device as set forth in Section 52.08 of this code. This *shall* include water mains installed to Town of Snow Hill standard, and with Town of Snow Hill supervision, but which are not maintained by the Town of Snow Hill, including but not limited to manufactured home parks, apartments, group housing projects, and other private distribution systems, or similar hazard potential as determined by an authorized representative. Private distribution systems *shall* be configured so as to provide looped mains, with two (2) or more containment devices on each building water service connection and at dead-end branch mains.

#### Section 52.09. Installation of Containment Devices

- (a) The containment devices *shall* be located off street right-of-way on the water main side of any plumbing connections. When installed in a building, the device *shall* be located on the service line immediately after its entrance into the building. Each containment and confinement device *shall* be installed in a location that is physically accessible for inspection and testing as determined by the cross-connection coordinator. Containment devices, which have been buried in the ground, do not satisfy the provisions of this code. Each reduced pressure principle zone device shall be installed such that flooding of the device is unlikely as determined by the Cross Connection Coordinator.
- (b) The authorized representative *shall* maintain a list of approved manufacturers and models of hazard containment devices and drawings of standard installation, copies to be made available through the Office of the Director of Public Utilities and the Chief Inspector's office. All reduced pressure zone principle backflow prevention devices and double check valve backflow prevention devices shall be approved by the Foundation for Cross Connection Control and Hydraulic Research. All vacuum breaks and dual check valve devices shall be approved by the American Society for Sanitary Engineers. All installations and materials shall conform to Town of Snow Hill standards as set by the authorized representative.
- (c) In those cases in which containment and/or confinement devices have been previously installed by prior owners, the Town of Snow Hill, or other parties, the responsibility for maintenance, testing, and replacement as applicable *shall* be with the consumer.



- (d) The cost of said means of containment, and any other plumbing modifications necessary and convenient thereto, and the testing and maintenance thereof is to be paid for by the consumer.

**Section 52.10. New Construction**

All buildings, proposing to connect to the public water system of the Town of Snow Hill receiving building permits, on or after the effective date of this ordinance, *shall* be equipped with an approved and tested as properly functioning backflow prevention device(s), as prescribed herein, prior to the issuance of a Certificate of Code Compliance for that building. If a building permit was issued for the building prior to the effective date of the Article, or a building permit was not required, the building *shall* be considered to be an existing building prior to the effective date, in accordance with Section 52.04 of this code.

**Section 52.11. Notification of Consumer**

Upon identification of a hazard, or hazard potential, as defined in Sections 52.07 through 52.08 of this code, the cross connection coordinator, *shall* notify the consumer, of record, of the property on which the hazard exists of the following:

- (a) Location of Hazard
- (b) Nature of Hazard Observed
- (c) Date Hazard Observed
- (d) Section of Code Applicable
- (e) Requirements of Code

Such notification to be made by certified mail, with return receipt requested.

**Section 52.12. Change in Nature of Use**

The authorized representative *shall* be notified by the consumer the nature of use of the property changes so as to change the hazard classification of that property, as set forth in Sections 52.07 through 52.08 of this code.

**Section 52.13. Consumer Responsibilities**

- (a) The consumer *shall*, upon notification, as defined in Section 52.11 of this code, install the hazard containment device(s) as required within 90 days from the date of notification.
- (b) If, after expiration of ninety (90) days, the containment device(s) has not been installed in conformance with standards set by the authorized representative, in a proper working condition, the authorized representative may discontinue the public water supply service at that premises, and service shall not be restored until such devices have been installed. The authorized representative may permit an extension of up to ninety (90) additional days if compliance efforts are underway and the existence of hardship can be demonstrated.

- (c) The Town of Snow Hill *shall* bear no liability for direct or consequential damages proximately caused by the discontinuance of service pursuant to this section.

**Section 52.14. Testing and Maintenance of Devices**

The consumer at each property at which containment and/or confinement device(s) have been installed, except those with devices installed in accordance with Section 52.08 (a) of this code, shall have each containment and/or confinement device(s) tested on an annual basis, and perform any routine maintenance to such device as recommended by the manufacturer, and provide the cross connection coordinator with a report of that inspection and work. The consumer *shall* cause such maintenance, or repairs to be made, rendering the device fully operational. Failure of the consumer to perform that testing and maintenance *shall* be cause for the premises to be deemed an immediate public health hazard. The authorized representative *may* immediately thereafter discontinue public water supply service to that premises and service *shall* not be restored until such devices have been rendered operational. Where the use of water is critical to the continuance of normal operations or protection of life, property, or equipment, duplicated containment or confinement devices shall be provided by the property owner to avoid the necessity of discontinuing water service to test or repair the device or devices.

**Section 52.15. Enforcement by Civil Penalty**

**(a) Penalty.**

Violation of any provision of this article *may* subject the offender to a civil penalty to be recovered by the Town of Snow Hill in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after the assessment has become final by exhaustion of the appeal process established by this section, or by failure to appeal the assessment.

The civil penalty for violation of any provision of this cross connection control article *shall* not exceed five hundred dollars (\$500) per day for each day of continuous violation, or a cumulative or single civil penalty of ten thousand dollars (\$10,000). The civil penalty for willful violation of any provision of this article *shall* not exceed one thousand dollars (\$1,000) per day for each day of a continuous violation, or a cumulative or single civil penalty of twenty thousand dollars (\$20,000).

**(b) Assessment.**

Any civil penalty *shall* be assessed by the Town Clerk, upon the recommendation of the authorized representative, and *shall* be based upon the reasonable estimated cost of correcting the cited violation, the magnitude of the potential risk posed to the public health, safety and welfare by the violation, and the cost of the public safety or other emergency response caused by the violation. The Town Clerk *shall* serve written notice of the civil penalty assessment on the offender and set out with reasonable care the basis of the amount so assessed.

**(c) Equitable Relief.**

An appropriate equitable remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction may endorse the provisions of this article.

**(d) Enforcement option.**

The penalties and enforcement provisions established by this article *may* be applied in addition to or instead of the penalties established by other sections of this code.

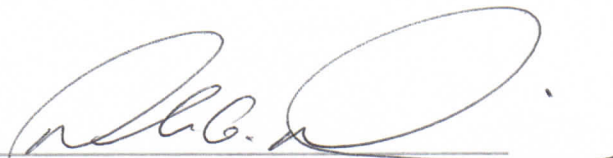
**Section 52.16. Limitation of Liability**

The Town of Snow Hill *shall* not be held liable, for any cause, for failure to detect any unit failing to operate adequately, or failure to identify any specific hazard, which *may* result in contamination of its public water supply, nor *shall* this ordinance diminish the responsibility of any property owner from whose property a contamination of the public water supply *may* originate.

**Section 52.17. Adoption**

This Ordinance shall be in full force and effect from and after its passage.

Adopted this 4th day of September, 2003.



Donald G. Davis, Mayor

ATTEST:

  
  
Dale B. Manning, Town Clerk-Finance Officer

SEAL

**AN ORDINANCE REGARDING PRIVATE WATER SUPPLY**

Be it ordained as follows:

1. Water Connection Required. Each owner of improved property located upon or with a distance of 200 feet of any town water line shall connect the plumbing system of his or her premises with the Town Water system; provided, however, that any such owner who already has in use a private well approved by the Greene County Health Department may, in lieu of connecting his premises to the Town water system pay the minimum monthly charge established for water service, and may continue the use of the well for domestic household water service for so long as such charge is duly paid and for so long as said well remains suitable for such use as determined by the Greene County Health Department. No such well authorized to be used under this section shall be connected to the Town water supply or to any other private well.

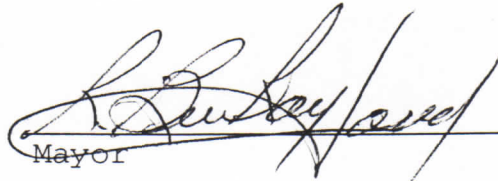
2. No Private Wells Connected to Dwelling or Commercial Establishment. Other than as set forth in Paragraph 1 above, no person shall furnish, supply or provide any water from a private well to pump into any dwelling house, dwelling unit, or commercial establishment whatsoever, or for human consumption whatsoever.

3. Application for Well Not for Human Consumption. Any resident of the Town may make application for construction of a well not for the purpose or to be used for human consumption. Such water well shall have a maximum depth of sixty (60) feet, and shall be placed in the back or side yard only of any residence or in any commercial application, in a location removed from any traffic of customers or consumers. Such wells shall require a building permit and/or, if applicable, a permit from the Greene County Health Department, and shall be completely covered by a safety cover. All electrical and plumbing work shall be inspected and must be approved by the Inspector. In no case shall any private water supply be connected in any way to the Town's water system or to any dwelling house, dwelling unit, or commercial establishment.

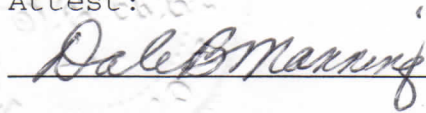
4. Issuance of Permit for Well Not for Human Consumption. If the Mayor, or Zoning Administrator if the Mayor so designates, determines that the application for a private well under Section Three (3) above is in order, he shall issue a permit for said well; provided, however, that the permit shall require as a condition of its issuance that the recipient of said permit shall not hold the Town liable or responsible in any way for any failure of said well to produce due to any current or future use by the Town of ground or shallow wells for its municipal water supply, regardless of where any such wells might be located, or due to any other reason.

5. Effective Date. This ordinance is effective upon adoption.

This 7th day of September, 1999.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_

S:\USERS\SHARED\TOWNS\WATER.ORD 09.07.99