

CHAPTER 50: GENERAL WATER AND SEWER PROVISIONS

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GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

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

ADMINISTRATOR. The Public Works Director or any other person designated by the Manager to perform the functions and exercise the responsibilities assigned by this chapter to the Administrator.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen (expressed in milligrams per liter) required to satisfy the 5-day oxygen demand of a million pounds of domestic sewage or industrial wastes (or a combination of both) when tested in accordance with the procedures given in the latest edition of *Standard Methods of the Examination of Water and Sewage*, published by The American Public Health Association. **B.O.D.** is a measure of the pollutorial strength of wastes of any nature.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

DOMESTIC SEWAGE. Liquid wastes from bathrooms, toilet rooms, kitchens and home laundries.

GARBAGE. Solid wastes from the preparation, cooking, handling and dispensing of food.

INDUSTRIAL WASTES. Liquid wastes from institutional, commercial and industrial processes and operations as distinct from domestic sewage.

LIQUID WASTES. Waste products that are either dissolved in or suspended in a liquid.

NATURAL OUTLET. That body of water, stream or watercourse receiving the discharge waters from the sewage treatment plant or formed by the discharge of the sewage treatment plant.

pH. The logarithm (base 10) of the reciprocal of the weight of the hydrogen ions in grams per liter of solution. It indicates the acidity and alkalinity of a substance. A **pH** value of 7.0 is considered neutral. A stabilized **pH** is one that does not change beyond the specified limits when the waste is subjected to aeration. A **pH** value below 7.0 is acid and above 7.0 is alkaline.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food, shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than 1/2 inch in any dimension.

SANITARY SEWER. A pipe or conduit that carries sewage or polluted industrial wastes and to which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.

SANITARY SEWER SYSTEM. The sanitary sewer system owned and operated by the town, including all sanitary sewer lines and pipes, the sewage treatment plant and all other facilities used in connection with the collection, treatment and disposal of sewage. The term **SEWER SYSTEM** is sometimes used interchangeably.

SEWAGE. Liquid wastes.

SEWAGE TREATMENT PLANT. The facility owned by the town where sewage is collected and treated.

SEWAGE TREATMENT SYSTEM. Sanitary sewer system.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

WATER SYSTEM. The water utility system owned and operated by the town, including all devices and facilities for the treatment, storage and distribution of water.

(1981 Code, § 14-1)

§ 50.002 ANNEXATION OF CONNECTED PROPERTY REQUIRED.

(A) In order to broaden the Town of Liberty's development and tax base, owner(s) of property outside the town limits proposing commercial or industrial use, or major residential subdivision development must petition the Town of Liberty for annexation before connections to the Town of Liberty's water and/or sewer facilities will be allowed.

(B) These properties may be connected to water and/or sewer lines and remain outside the town limits, but the owner(s) must petition the Town of Liberty for annexation before connections to water and/or sewer lines will be allowed.

(Ord. passed 2-28-2000)

§ 50.003 APPLICATION FOR SERVICE.

(A) Application for water or sewer service shall be made at the Town Hall during normal business hours.

(B) Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for payment of bills and shall be signed by the customer or by his or her authorized agent.

(1981 Code, § 14-6)

§ 50.004 DEPOSIT.

(A) (1) Every applicant for service shall make a cash deposit with the town in the amount set forth in §50.005 below.

(2) The purpose of this deposit is to provide security for the payment of all charges by the customer.

(3) The town retains the right to require the customer to increase the deposit a maximum of twice the amount of the highest monthly bill theretofore rendered at the service location.

(B) Initial deposits shall be made with the service applications. Additional deposits, if required pursuant to division (A) above, shall be made within 30 days after receipt by the customer of a written request for the same.

(C) A separate deposit shall be paid on each installed water meter.

(D) No interest shall be paid on the deposit.

(E) Upon termination of service, the deposit shall either be applied to any outstanding bill or refunded to the customer, as provided in §§ 50.035 and 50.036.

(1981 Code, § 14-7)

§ 50.005 RATES.

(A) A schedule of all rates required or authorized by this chapter shall be adopted and revised from time to time by resolution of the Council upon recommendation of the Manager.

(B) A copy of the current schedule of rates shall be kept on file in the Clerk's office.

(1981 Code, § 14-9)

§ 50.006 MINIMUM SERVICE CHARGE.

(A) The minimum service charge, as provided in the rate schedule, shall be made for each meter installed regardless of location.

(B) The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied.

(C) Charges for service commence when 1 meter is installed and connection made, regardless of whether service is

actually used at that time.

(1981 Code, § 14-10)

§ 50.007 ACCESS TO PREMISES.

(A) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection with the town's service or facilities.

(B) Application for service shall constitute consent by the customer to access his or her premises for these purposes.

(1981 Code, § 14-11)

§ 50.008 METER READING AND DETERMINATION OF CHARGES.

(A) Ordinarily, meters will be read once per month and bills rendered once per month. However, the town reserves the right to vary this schedule if necessary or desirable.

(B) When 2 or more meters are installed in the same premises for different customers, the town shall clearly identify which meter serves which customer.

(C) Where there are multiple dwelling units on 1 lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be responsible for the bill for meters jointly used by one or more tenants.

(D) Readings from different meters will not be combined into 1 account for billing.

(E) Subject to § 50.011 below, a charge shall be made for all water passing through the customer's meter.

(F) Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

(1981 Code, § 14-12)

§ 50.009 BILLS.

(A) Bills are due within 20 days of the date of billing and become delinquent thereafter. A late penalty charge will be added to all delinquent accounts per the Town of Liberty fee schedule.

(B) Bills shall notify customers of the provisions of division (A) above and shall contain a phone number where a town employee can be contacted concerning questions about the bill.

(1981 Code, § 14-13)

§ 50.010 METER TESTING.

(A) If the customer believes that a water meter on his or her premises is not registering his or her water consumption accurately, he or she may request a test of the meter by the town.

(B) Charges shall be made for this service pursuant to § 50.005 above unless the test demonstrates that the meter is inaccurate to the prejudice of the customer.

(C) The standard for meter accuracy is +/- 2.5%.

(1981 Code, § 14-14)

§ 50.011 CALCULATION OF BILL WHERE EQUIPMENT FAILS.

(A) If the seal of the meter is broken by other than the town's representatives or in the event that the meter fails to accurately register the use of water, the customer shall be charged the amount computed using the appropriate following formula for the period in which the meter failed to register:

(1) If the customer has been an occupant at the same location for 3 years or more he or she shall be charged the current rate based upon the average consumption for the same month during the previous years of occupancy; and

(2) If the customer has been an occupant at the same location for less than 3 years he or she shall be charged the current rate based upon the average amount of water consumed monthly.

(B) If the customer demonstrates to the reasonable satisfaction of the town that a break in the water line on the customer's side of the meter has resulted in extraordinary charges for a billing period, the town may recompute the customer's bill using the procedures set forth in division (A) above.

(1981 Code, § 14-15)

§ 50.012 PROHIBITED ACTIVITIES.

No unauthorized person may:

(A) Supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain or other like public outlet without specific authorization from the town;

(B) Manipulate, tamper with or harm in any manner whatsoever any waterline, sewerline, main or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;

(C) Tamper with the water meter so as to alter the true reading for the amount of water consumed; or

(D) Attach or cause to be attached any connection to the waterline before the water meter.

(1981 Code, § 14-16) Penalty, see § 50.999

§ 50.013 TOWN PROPERTY; MAINTENANCE.

All meters and cut-off boxes located before the meters shall remain the property of the town and shall be kept in good repair and working order by the town.

(1981 Code, § 14-17)

§ 50.014 ADJUSTMENTS.

(A) The Manager is authorized to make adjustment for leaks as provided for in this section. Adjustments for underground pipe leaks, commode leaks, bathtub leaks, faucet leaks and hot water heater leaks shall be made only after a plumber's bill has been presented stating exactly what repairs were made and when they were made.

(B) If the customer fixed the leak himself or herself, a receipt for parts purchased to correct the leak will be required. If no receipt is presented, the Manager shall have the meter reading rechecked to ensure that the leak has been repaired before an adjustment can be made.

(C) Only 2 adjustments per leak will be allowed.

(D) In order to receive an adjustment, the customer must apply within 90 days from the due date of the first water bill that reflects the leak.

(Ord. passed - -; Am. Ord. passed 3-24-2008)

§ 50.015 METHOD FOR COMPUTING LEAK ADJUSTMENT.

(A) A Leak Adjustment Manual authorized by this chapter shall be adopted and revised from time to time by resolution of the Council upon recommendation of the Manager.

(B) A copy of the current schedule of Leak Adjustment process shall be kept on file in the Clerk's office.

(Ord. passed 10-27-1997; Am. Ord. passed 10-22-2018)

§ 50.016 TOWN'S RESPONSIBILITY AND LIABILITY.

The town shall:

(A) Maintain the water and sewer lines within the town's rights-of-way and easements;

(B) Reserve the right to refuse service if there is a cross connection to a private water supply, no back-flow protection or no sewer cleanout;

(C) Assume liability for damage only if the damage results directly from the town's negligence;

(D) Assume no liability for damage done by or resulting from any defects in the piping, fixtures or appliances on the customer's premises; and

(E) Assume no liability for the negligence of third persons.

(1981 Code, § 14-21)

§ 50.017 CUSTOMER RESPONSIBILITIES.

The customer shall:

(A) (1) Maintain the piping system on his or her property at his or her expense in a safe and efficient manner.

(2) The town shall not undertake to repair the customer's connections to the water or sewer line until it has been determined that the disrepair, stoppage or other cause or impediment to the proper functioning of the line exists within the portion of the lateral between the main line and the property line.

(3) If the property owner or his or her representative claims that the cause of a disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line and an investigation discloses that the cause of the disturbance actually exists in that portion of the line lying between the property line and the structure which is served by the line, the property owner shall pay to the town the actual cost to the town of making the investigation.

(4) If, however, upon investigation it is found that the cause of the disturbance or disrepair is in that portion of the line lying between the property line and the main line, the town shall make the repair without additional cost to the property owner;

(B) Guarantee protection for town facilities or equipment located on the customer's property;

(C) Pay the cost of relocating town owned facilities and equipment if done at the customer's request;

(D) Not make or cause to be made any cross-connection with a private water supply;

(E) Install proper and adequate backflow prevention devices;

(F) Install a pressure reducing valve if deemed necessary by the Administrator;

(G) Install a sewer cleanout to town specifications if deemed necessary by the Administrator; and

(H) Be responsible to the town for damage to town property that is the fault of the customer. The cost of repairing or replacing the property will be added to the customer's bill.

(1981 Code, § 14-22)

§ 50.018 EDA ASSISTED EXTENSIONS ON SR 1006.

(A) Applications for water and sewer services seeking to tap onto the EDA assisted facilities constructed on SR 1006 must provide a certification to the town that no structure, dwelling, building or other improvement to use the requested water or sewer tap will be located in whole or in part within any Jurisdictional Freshwater Wetlands, Federal Emergency Management (FEMA) designated 100-year flood plain, prime farmland or endangered or threatened species habitat.

(B) No water or sewer services will be installed, and no water or sewer service will be provided, to any structure, dwelling, building or other improvement which is located in whole or in part within any Jurisdictional Freshwater Wetlands, Federal Emergency Management (FEMA) designated 100-year flood plain, prime farmland or endangered or threatened species habitat; provided that the prohibition shall not apply to any structure, dwelling, building or other improvement that is already existing at the time this section is adopted.

(Ord. passed 3-27-2000) Penalty, see § 50.999

SERVICE TERMINATION AND REINSTATEMENT

§ 50.030 TERMINATION OR INTERRUPTION OF SERVICE BY TOWN.

(A) The town may terminate service for any of the following reasons:

(1) Refusal by the customer to pay in full an account that remains delinquent past the fifth day of the following month;

(2) Prevention of fraud or abuse by a customer; and/or

(3) Failure of the customer to comply with any of the provisions of this subchapter.

(B) If the delinquent water bill amount is not paid on or by the fifth day of the month, the water shall without further notice be immediately cut off.

(C) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

(D) The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:

(1) Emergency repairs;

(2) Insufficient supply or treatment capacity; and/or

(3) Strike, riot, flood, accident, act of God or any other unavoidable cause.

(E) The town shall make a good faith effort to notify affected customers before service is discontinued or interrupted as provided in division (C) above.

(F) However, the customer, by making application for service, agrees to hold the town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above mentioned causes.

(1981 Code, § 14-26) (Am. Ord. passed 9-28-2015)

§ 50.031 LESSEE MAY TAKE RESPONSIBILITY FOR PAYMENTS.

(A) (1) Whenever a water meter serves a single dwelling unit or, in the case of nonresidential structures, a single tenant, and the occupant of the dwelling unit or the tenant is not the person responsible for water or sewer payments (i.e. is not the customer), and the customer becomes delinquent in his or her payments, then a copy of the notice of proposed termination required by § 50.030 shall be sent to the occupant of the dwelling unit or the tenant of the non-residential structure.

(2) The notice shall include or be accompanied by a statement setting forth the rights of the occupant or tenant (the

lessee) as provided in division (B) below.

(B) (1) When a lessor becomes delinquent in his or her water or sewer payments, a lessee may take responsibility for the payments and may thereby become the customer in accordance with the provisions of this chapter.

(2) The lessee shall not be responsible for the debt of the lessor.

(1981 Code, § 14-30) (Am. Ord. passed 9-28-2015)

§ 50.032 PROCEDURE FOR SERVICE TERMINATION AND REINSTATEMENT.

(A) Water and sewer service termination shall be affected only by authorized agents of the town.

(B) When service is terminated, discontinued or interrupted for any reason set forth in §50.030 above, it shall be unlawful for any person other than a duly authorized agent or employee of the town to do any act that results in the resumption of service.

(C) When service is terminated for non-payment of bill, service will not be reinstated until any charges still outstanding are paid for the premises affected, together with the current reconnect fee per the fee schedule and pursuant to § 50.005 above.

(1981 Code, § 14-31) (Am. Ord. passed 9-28-2015)

§ 50.033 TERMINATION AT CUSTOMER'S REQUEST.

(A) The customer shall request that service be discontinued (for a change in occupancy or other reason) at least 3 days before the customer desires the termination to become effective.

(B) The customer shall be responsible for all water consumed and for pro-rated service up to the time service is terminated, or until 3 days following receipt of the request for termination, whichever occurs sooner.

(C) When all charges for service are paid in full, the customer's deposit shall be refunded. The deposit will be refunded pursuant to § 50.004 above.

(D) The customer shall be entitled to be heard by a designated employee concerning any dispute about the amount of the deposit refund. The employee shall inform the customer in writing of his or her decision and the reasons therefor as soon as reasonably possible.

(1981 Code, § 14-32) (Am. Ord. passed 9-28-2015)

CONNECTION TO WATER AND SEWER SYSTEM WHERE SERVICE IS AVAILABLE

§ 50.050 CONNECTION REQUIRED.

(A) Every person who owns improved property within the corporate limits of the town shall be required, within 60 days of receipt of notice from the town, to connect the improved property to the public water and sewer systems unless service is not available (as defined in division (B) below).

(B) For purposes of this chapter, water or sewer service (respectively) is **NOT AVAILABLE** if water or sewer lines are not located within the right-of-way of any public street adjacent to the improved property in question or if, as a result of some geographical impediment service is otherwise impracticable.

(C) As used in this section, the term **IMPROVED PROPERTY** means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.

(1981 Code, § 14-36)

§ 50.051 PERMIT FOR CONNECTION REQUIRED.

(A) No person may connect or be connected to the water or sewer system of the town until a permit for a connection has been issued pursuant to § 50.052 below.

(B) After connection in accordance with this subchapter, service may be initiated in accordance with the procedures set forth in §§ 50.003 through 50.014 above.

(1981 Code, § 14-37)

§ 50.052 APPLICATION FOR CONNECTION PERMIT.

(A) Every application for a water or sewer connection shall state the name of the owner of the lot, the name of the street on which the lot is situated, the number of the building if there is one on the lot, or if not, a description of the location of the lot, the number and kind of the connections desired, the character of the surface of the abutting street and any other additional information required by the Administrator. Every application shall be signed by the person making the application.

(B) Every application for connection shall be accompanied by the following fees pursuant to §50.005 above unless the fees have previously been paid or are otherwise inapplicable:

(1) Current front footage charges (out-of-town property only);

(2) Lateral and meter installation charges. When these charges are assessed on an actual cost basis, the applicant shall deposit with the town an amount equal to the estimated cost of lateral and meter installation charges. If the cost of connections is less than the installation deposit the difference between the deposit and the connection cost shall be refunded to the applicant. If the cost of the connection is greater than the installation deposit, the applicant shall pay to the town an amount equal to the difference between the cost of connection and the installation deposit; and

(3) Service application deposit (see § 50.004 above).

(C) When lateral and meter installation charges are collected the service initiation fee provided for in §50.005 above is waived.

(D) No permit shall be issued for water and sewer connections until after the Administrator has made an on-the-premises inspection of the real property identified on the application and has determined the type of connection required. If this examination reveals that a different type of connection is required than that applied for, any additional fees must be paid by the applicant before a permit may be issued.

(1981 Code, § 14-38)

§ 50.053 REJECTION OF PERMIT APPLICATION.

Upon application for a connection permit the town may reject the application and decline to provide service for the following reasons:

(A) Service is not available under the standard rate;

(B) The cost of service is excessive;

(C) The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; and/or

(D) Other good and sufficient reasons.

(1981 Code, § 14-39)

§ 50.054 CONSTRUCTION OF CONNECTIONS.

(A) Water and sewer connections shall be constructed simultaneously whenever connections are to be made to both systems.

(B) When a permit has been issued by the town for a connection to existing water or sewer lines, the town, either with the use of town forces or by contract, shall do the excavating, lay the pipe, install a meter, make the connections (tap-on) to the main, fill the excavation, and replace the surface of the street.

(C) The customer may request that the water meter be placed on his or her premises; however, the final decision for meter placement lies with the town.

(D) When the meter is placed on the customer's premises:

(1) The town shall provide a cut-off valve directly before the meter;

(2) The customer shall furnish and maintain a private cut-off valve on his or her side of the meter; and

(3) The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times to the meter reader.

(E) The customer's piping and apparatus shall be installed by a licensed plumber at the customer's expense in accordance with all applicable building and plumbing codes and the town's regulations and in full compliance with the sanitary regulations of the State Commissions for Health Services.

(F) Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the town's mains.

(1981 Code, § 14-40)

§ 50.055 SEPARATE CONNECTIONS REQUIRED FOR EACH LOT.

(A) For the purposes of this chapter, **LOT** shall mean a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

(B) There shall be for every lot to which water or sewer service is available:

(1) A separate connection with the water main of the town and a separate service pipe, tap and meter; and

(2) A separate connection with the sewer main of the town.

(1981 Code, § 14-41)

§ 50.056 REQUIREMENTS FOR CONNECTION OF SERVICE WHERE MULTIPLE BUILDINGS ARE LOCATED ON ONE LOT.

Where there are multiple buildings or structures situated on 1 lot and where the lot owner desires to have a common water connection (including a private water distribution system), and a common sewer connection (including a private sewage collection system), he or she must meet the following requirements:

- (A) The building or buildings to be served shall be in compliance with all applicable zoning regulation;
- (B) The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot;
- (C) The applicant shall be required to submit to the town a site plan showing the proposed water and sewer systems. The plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. The plans shall include:
 - (1) *Size of water lines, materials to be used for construction, valve locations and hydrant locations* All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor; and
 - (2) *Size of sewers and materials to be used for construction* All sewer lines 8 inches or larger in size shall be constructed in accordance with town specifications and standards. All sewer lines smaller than 8 inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.
- (D) Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

(1981 Code, § 14-42) Penalty, see § 50.999

§ 50.057 TOWN INSPECTION.

- (A) By making application for service the customer agrees that the town possesses the right to inspect the private water distribution systems, water connections, sewage collection system and sewer connections before they are connected to the town water and sewer systems.
- (B) The town shall be given notice to inspect before the pipes are covered and the systems are connected.

(1981 Code, § 14-43)

§ 50.058 LATERALS TO REMAIN TOWN PROPERTY.

All meters, meter boxes, pipes and other equipment furnished and used by the town or its contractors in installing any water or sewer connections shall be and remain the property of the town.

(1981 Code, § 14-44)

§ 50.059 MAINTENANCE OF PRIVATE DISTRIBUTION AND COLLECTION SYSTEMS.

- (A) In addition to the requirements of §50.056 above, all owners of lots on which private water distribution and sewer collection systems are situated shall maintain the systems properly.
- (B) Failure to maintain the systems shall constitute a nuisance which may be abated using the procedures set forth in § 91.15(B) through (E). However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of water or sewer service poses an immediate threat to public health, the town may summarily abate the nuisance and bill the lot owner for costs incurred by the town.

(1981 Code, § 14-45)

WATER AND SEWER EXTENSIONS

§ 50.070 IN-TOWN PROPERTY; EXTENSIONS OF SERVICE; GENERAL POLICY.

- (A) The town recognizes its basic responsibility to provide water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the availability of funds, to extend its service lines to all properties unless it is unreasonable to do so.
- (B) The town may determine that an extension of service is unreasonable for the following reasons:
 - (1) The cost of service extension is excessive in terms of the number of customers to be served or because of topographical, engineering, technical or other problems;

(2) The provision of service will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; and/or

(3) Other good and sufficient reasons.

(1981 Code, § 14-51)

§ 50.071 EXTENSIONS TO DEVELOPED PROPERTY WITHIN THE TOWN.

(A) Except as provides in §50.072 below, the cost of extending water or sewer service to properties within the corporate limits shall be borne initially by the town. However, the town may recoup its costs, in whole or in part, by charging front footage fees (§ 50.005) at the time of connection to the water or sewer system or by levying special assessments on benefitted property.

(B) Except as provided in §50.072 below, water and sewer main extensions to serve properties within the town shall be done by town forces or under a contract let by the town.

(C) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within rights-of-way, except where the topography makes this impracticable. However, in no case will sewer lines be extended by the town across private property, unless the town has obtained adequate permanent easements for the lines.

(D) To preserve road surfaces, whenever the town installs water or sewer line extensions in paved streets within the town (as well as whenever the town paves unpaved streets where water or sewer lines exist), the town may install lateral lines to serve undeveloped as well as developed properties and may give the owners of undeveloped properties the option of paying for the lateral installation at the time the work is done or paying the lateral installation fee that is current at the time of connection.

(1981 Code, § 14-52)

§ 50.072 IN-TOWN EXTENSIONS WITHIN NEW SUBDIVISIONS AND OTHER NEW DEVELOPMENTS.

(A) As indicated in § 50.070 above, the town's responsibility is to extend its water and sewer lines to properties within the town. However, the responsibility for extending water and sewer lines within new subdivisions or within other new developments lies with to subdivider or developer, although the town may in its discretion contract with the subdivider or developer to install water or sewer lines with town forces.

(B) The cost of extending water or sewer lines within new subdivisions or other new developments shall be borne by the subdivider or developer, subject to the following:

(1) If the town requires lines within a subdivision or other new development that are larger than those necessary to serve the project and are so located to serve other properties, the town shall reimburse the developer for any additional costs incurred as a result of installing the oversized lines. Reimbursement shall be paid at the time the lines are connected to the town's system; and

(2) In subdivisions, the town may allow the availability charge (§50.005 above) to be deferred by the subdivider and paid before service initiation by the first subsequent owners of the lots sold.

(1981 Code, § 14-53)

§ 50.073 OUTSIDE OF TOWN.

(A) The town has no responsibility to provide water or sewer service to property located outside the corporate limits. However, upon request, the town may extend its water or sewer lines to serve properties outside the town when it determines that it is in the town's best interest to do so.

(B) Any owner of property outside the corporate limits who seeks an extension of the town's water or sewer system to serve his or her property may make an application for the extension to the town. The owner shall provide all information the town deems necessary to determine whether the requested extension is feasible and in the town's best interest.

(C) Unless otherwise determined by the Council the responsibility for and the entire cost of extending a water or sewer line to serve property outside the town shall be borne by the property owner requesting the extension, subject to the town's reimbursement policy set forth in § 50.077 below. In addition, subject to the provisions of §50.077 below, the entire cost of extending lines within new subdivisions or developments outside of town shall be borne by the subdivider or developer, except that, with respect to subdivisions, the town may allow the availability charge to be deferred by the subdivider and paid before service is initiated by the first subsequent owners of the lots sold.

(1981 Code, § 14-54)

§ 50.074 EXTENSIONS MADE BY OTHER THAN TOWN FORCES.

(A) All additions to the town's water or sewer system installed by other than town forces, whether inside or outside the town, shall be installed in accordance with the provision of this chapter as well as other town specifications and requirements. Among other matters, the specifications shall govern the size of all lines, their location, grade, materials used, manner of installation and provision for future extensions.

(B) No construction on any addition to the town's water or sewer system shall commence until detailed plans have been reviewed and approved by the Administrator. Plans shall include whatever information the Administrator deems reasonably necessary to determine whether the proposed extension complies with all applicable town specifications and requirements.

(C) Water lines intended for addition to the publicly owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the town may accept an offer of dedication of lines installed within unsubdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the town may accept sewer lines constructed on private property (where the topography makes this necessary) if adequate permanent easements are provided.

(D) To protect street surfaces, the town may require that whenever extensions of water or sewer line are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to water or sewer lines.

(E) By making application for extension to the town's water or sewer system, the person responsible for the extension agrees to indemnify and holds the town harmless from all loss, cost, damage, liability or expense resulting from injury to any person or property arising out of the extension of the service lines.

(1981 Code, § 14-55)

§ 50.075 INSPECTION BY TOWN OF WORK DONE BY OTHERS.

(A) All work on the extension of water or sewer lines not performed by town forces (whether inside or outside the town) shall be subject to inspection by the town. If, in the judgment of the Administrator, there is a demonstrated lack of competent supervision by a contractor, the Administrator may at his or her option:

(1) Halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or

(2) Provide constant inspection by town personnel at the expense of the applicant.

(B) Inspection of a project by the town does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to town specifications (if the work is not done by town forces) and may be required to rearrange or do over, any work to bring it into conformity with those specifications and requirements.

(1981 Code, § 14-56)

§ 50.076 DEDICATION OF WATER AND SEWER LINE EXTENSIONS.

(A) All water and sewer mains constructed and connected with the facilities of the town pursuant to this subchapter shall be conveyed to and become the property of the town upon completion and acceptance by the town. Connection to the system and acceptance by the town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.

(B) Following dedication as provided in division (A) above, the town shall have exclusive control of all water or sewer lines and shall be responsible for their maintenance, repair and operation. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including incidental damages as may arise from the claims.

(1981 Code, § 14-57)

§ 50.077 REIMBURSEMENT.

(A) *Eligibility.* Reimbursement may be made to a developer or other applicant for expenses incurred in providing facilities that are subsequently utilized by the town to serve other customers. No allowance will be made for any lines that are not designed to serve lands outside the applicant's project. Lines or other system components subject to reimbursement shall be:

(1) Those that are located between a subdivision or project and a facility of the town water and sewer system and which are so sized as to serve other properties. In this case the maximum reimbursable amount shall be the actual cost of the lines less the amount that the original developer would have had to pay for front footage fees. Reimbursement is to be made from front footage charges levied against property served directly by the connections; and

(2) Those within a subdivision or project (located outside the town) that are of a size in excess of the need of the project itself and are so located to serve other properties. In this case the maximum reimbursable amount shall be only the extra cost incurred by installing lines larger than needed to serve the subdivision or project itself. Reimbursement is to be made from availability fees levied against any property developed simultaneously or subsequent to the installation of the lines or served by the lines.

(B) *Reimbursement agreement.* The town shall execute a reimbursement agreement with any developer or applicant who finances an extension subject to reimbursement pursuant to this section. The agreement shall be prepared by the town and shall contain a description of the subject water and sewer lines and describe the conditions under which the developer or applicant may receive a reimbursement from the town. The agreement shall be signed by both parties.

(C) *Basis for payment.*

(1) The reimbursement period for each developer shall expire 10 years following the initial date of service to the development.

(2) No interest on cost pending reimbursement shall be allowed.

(3) Reimbursement due an original developer under a reimbursement agreement shall be paid by the town to the developer within 30 days following the end of the quarter from collections made during that quarter.

(4) Any developer making a subsequent connection to a main that is itself installed under a reimbursement agreement will be eligible to receive reimbursement from fees and charges only after the claim of the first developer is satisfied in full or the reimbursement period has expired, whichever first occurs.

Likewise, a third developer and any subsequent developers connecting to a line having a reimbursement agreement shall receive reimbursement in accordance with the sequence of the effective dates of the reimbursement agreements.

(5) When availability fees are collected from property that is located between 2 lines installed under separate reimbursement agreements, the town will determine a fair and proportionate distribution of the available funds based on the design of the system and the amount of reimbursement for which each is eligible.

(1981 Code, § 14-58)

FIRE PROTECTION SERVICE

§ 50.090 FIRE HYDRANTS.

(A) The developers of subdivisions and unsubdivided developments, whether inside or outside the town, may be required as a condition of connecting to the town's water system to install fire hydrants in accordance with town requirements and specifications. Among other matters, requirements and specifications may govern the number, locations and type of hydrants required.

(B) The town may contract with a developer to install fire hydrants required pursuant to division (A) above. The full cost of providing for hydrants shall be borne by the developer, except that within the corporate limits, the town may install at its expense hydrants provided at the developer's expense.

(C) Connection to the town's water system of any hydrant constructed pursuant to division (A) above shall constitute dedication to the town of a hydrant.

(D) All hydrants locate within the right-of-way of a dedicated street or on other town property shall be maintained by the town without charge, except that the town may include a hydrant maintenance charge in the fire protection service fees charged to the county for any area served by the town outside its corporate limits.

(E) Hydrants located on private property shall be maintained by the town and a charge therefore shall be added to the customer's bill, as specified in § 50.005 above.

(F) No person, other than an authorized representative of the town, may draw water from or otherwise tamper with any hydrant.

(1981 Code, § 14-65) Penalty, see § 50.999

§ 50.091 FIRE PROTECTION SERVICE LINES.

(A) Subject to the provisions of this subchapter, the town may allow fire protection service connections to be made to the town's water lines.

(B) All fire protection service connections shall be made in accordance with town requirements and specifications and only after the town has reviewed and approved detailed plans for fire protection service lines and facilities. Final connection to the town system shall not be made until the Administrator has inspected and approved the installed fire protection system.

(C) Private fire protection systems, including standpipes, sprinkler systems and private reservoir systems, shall be constructed and installed only by persons properly licensed to do the work. Lateral extensions and taps shall be made by the town, and fees shall be charged therefore as provided in § 50.005 above.

(D) Backflow prevention conforming to town specifications shall be installed at points in the fire protection system as necessary to assure protection of the water supply.

(1981 Code, § 14-66)

§ 50.092 METERING OF FIRE PROTECTION SERVICE LINES.

(A) The town may require the owner of any fire protection line to install at his or her expense either a detection check valve with bypass meter or a full flow fire line meter. A like valve or meter may be required upon the initial connection of the fire line to the town's system and shall be required if the town subsequently has reason to believe that unmetered water is being lost or used for other than fire protection purposes from any like line.

(B) When a detector check meter indicates usage of water for other than fire protection, the owner shall be required at his

or her expense to furnish and install a full flow meter of approved design. The meter shall be arranged to meter all water supplied to the premises for all purposes, including fire protection.

(1981 Code, § 14-67)

SANITARY SEWER USE

§ 50.105 INDUSTRIAL WASTES.

Many of the provisions of this subchapter explicitly apply only to industrial wastes. The remaining provisions apply to wastes of all types, but, as a practical matter, only industrial wastes are likely to be affected by them in most instances.

(1981 Code, § 14-76)

§ 50.106 STORM WATER PROHIBITED.

No person may discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial or commercial process water.

(1981 Code, § 14-77) Penalty, see § 50.999

§ 50.107 PROHIBITED USES.

Subject to the provisions of §§50.108 and 50.109 below, no person may discharge or cause to be discharged any of the following described waters or wastes to any part of the town's sanitary sewer system:

- (A) Any clothing, rags, textile remnants and the like, except scraps or fibers that will pass through a 0.25-inch mesh screen or its equivalent in screening ability;
- (B) Any liquid or vapor having a temperature higher than 150°F;
- (C) Any water or waste containing more than 100 milligrams per liter (mg/l) of fats, oils or grease;
- (D) Any liquids, solids or gases that may cause fire or explosion or be in any way injurious to persons, any portion of the town's sewage treatment system or the operation of this system;
- (E) Any liquid wastes in which the suspended solids exceed 600 milligrams per liter;
- (F) Any liquid wastes having a B.O.D. of more than 600 milligrams per liter;
- (G) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage treatment system;
- (H) Any waters or wastes containing any toxic or poisonous substances or any other materials (including, but not limited to, heavy metals or chemicals) in sufficient quantities to interfere with the biological processes used in the sewage treatment works or that will pass through the sewage treatment works and harm persons, livestock or aquatic life utilizing the natural outlet;
- (I) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle those materials at the sewage treatment plant;
- (J) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- (K) Any garbage that has not been properly shredded;
- (L) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection system or the sewage treatment works;
- (M) Any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation;
- (N) Any liquid wastes containing dyes or other colors that cannot be removed by biological processes or that require special chemical treatment;
- (O) Any waters or wastes that require excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the plant; or
- (P) Any waters or wastes containing radioactive waters or wastes in quantities that may prove injurious to the treatment process or any portion of the sewage treatment system or to persons, animals or plant life.

(1981 Code, § 14-78) Penalty, see § 50.999

§ 50.108 WAIVER OF DISCHARGE RESTRICTIONS.

(A) A major purpose of this subchapter is to provide for the treatment by the town of as much of the liquid waste produced within the town's service area as possible, while still protecting the town's sewage treatment system. Therefore,

the Town Manager may waive the provisions of § 50.107 when, in his or her judgment, the quantity of waste discharged by any person is so small in relation to overall flow into the town's sewage treatment system as to make the offending characteristics of the waste negligible.

(B) A waiver granted in accordance with division (A) above shall be considered a temporary measure and shall not ripen into a vested right. Waivers may be revoked by the Manager at any time when he or she determines it is in the interest of the town's sewage treatment system to do so.

(1981 Code, § 14-79)

§ 50.109 SPECIAL AGREEMENTS.

Notwithstanding the provisions of §50.107 above, the town may enter into special agreement with any person whereby wastes of unusual strength or character may be admitted into the sanitary sewers for treatment by the town, either before or after approved pretreatment or prehandling, and subject to appropriate payments to the town to cover the extra costs associated with treatment of the wastes.

(1981 Code, § 14-80)

§ 50.110 PERMIT REQUIRED FOR DISCHARGE OF INDUSTRIAL WASTES.

(A) Subject to division (B) below, no person may discharge industrial wastes into the town's sewage treatment system without a permit issued by the Administrator.

(B) Persons discharging industrial wastes into the town's sewage treatment system on the effective date of this section shall have a grace period of 3 months to comply with the provisions of division (A) above, and shall thereafter be bound by its requirements.

(C) Application for the permit specified in division (A) above shall be made to the Administrator, and the applicant shall provide whatever information is reasonably required by the Administrator. The permit shall be issued if the Administrator concludes that the applicant will comply with all of the requirements of this subchapter.

(D) The permit requirement set forth in this section for industrial waste discharge is in addition to any other provisions of this chapter relating to applications for service, connections or extensions to the town's sewer system.

(E) After the initial permit is granted, no person may make or cause to be made any substantial change in the nature, character or volume of industrial wastes discharged into the town's sanitary sewer system until a permit is issued by the Administrator authorizing the change. The permit shall be applied for and issued in the same manner as the initial permit under this section.

(1981 Code, § 14-81) Penalty, see § 50.999

§ 50.111 PRELIMINARY TREATMENT FACILITIES.

(A) To equalize flows and to avoid temporary overloads, any person who discharges into the town's sanitary sewer system waste having a volume in excess of 50,000 gallons in any 24-hour period may be required by the town to construct suitable storage tanks or equivalent devices according to town specifications relating to type of construction, storey capacity and similar matters. The control of the volume of discharges of waste shall be by a waterworks type rate controller or equivalent device, the setting and operations of which shall be subject to the reasonable direction of the Administrator.

(B) Whenever the total volume of wastes to be discharged by any person in any one day has considerable variation in pollitional value, the person may be required to construct holding or storage tanks in order to control the discharge of wastes over a 24-hour period. Tanks shall be in duplicate and be so equipped as to mix the waste so thoroughly that its quality will be uniform when discharged into the sanitary sewer system.

(C) (1) Grease, oil and sand interceptors shall be provided when in the opinion of the Administrator they are necessary for the proper handling and control of liquid wastes containing grease, oil or sand in excessive amounts. Interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hotels, hospitals or other institutions.

(2) Interceptors shall be located as to be readily accessible for cleaning and inspection and shall be maintained by the owner at his or her expense in continuously efficient operation at all times.

(D) Plans, specifications and other pertinent information relating to proposed preliminary treatment or handling facilities, including the construction of stodge tanks, inspection or control manholes, and controlling devices as required under this section, shall be submitted to the Administrator for approval, and no construction of the facilities shall be commenced until approval is obtained in writing.

(E) Where preliminary treatment or handling facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her own expense.

(1981 Code, § 14-82)

§ 50.112 INSPECTION MANHOLE.

(A) Any person discharging industrial wastes into the town's sanitary sewer system may be required to construct and maintain a suitable inspection or control manhole either downstream from any treatment or storage facility or, if the facilities are not required, at or before the point where the wastes enter the sanitary sewer.

(B) The manhole shall be located and constructed in a manner approved by the Administrator and shall contain the equipment determined by the Administrator to be necessary for proper sampling and control of waste discharges.

(1981 Code, § 14-83) Penalty, see § 50.999

§ 50.113 DETERMINATION OF CHARACTER AND CONCENTRATION OF WASTES.

(A) Industrial waste discharged into the town's sanitary sewer system shall be subject to periodic inspection to determine the character and concentration of waste, and the Administrator shall conduct inspections as often as deemed reasonably necessary to ensure compliance with the provisions of this chapter.

(B) (1) By making application for sanitary sewer service the industrial waste customer agrees that duly authorized and identified town employees shall be permitted to enter the premises under the customer's control to carry out the inspections required in division (A) above.

(2) Whenever feasible, the town shall notify the customer before carrying out inspections.

(C) Inspections made pursuant to division (A) above do not relieve the person discharging wastes into the sanitary sewer system of responsibility for any loss, damage or penalty resulting from the discharge of wastes into the sanitary sewer system.

(D) (1) Samples taken as part of the inspections authorized by this section shall be collected in a manner so as to be representative of the actual quality of the waste.

(2) Laboratory methods used in the examination of waste shall be those set forth in *Standard Methods*, as hereinbefore described, a copy of which is on file at the office of the Administrator for inspection by interested parties.

(1981 Code, § 14-84)

§ 50.114 AUTHORITY FOR TEMPORARY EXCLUSION.

Authority is hereby given to the Administrator to exclude temporarily any industrial waste, whether pretreated or not, from the sanitary sewers whenever in his or her opinion the action is necessary for the purpose of determining the effects of the wastes upon any part of the sewage treatment system.

(1981 Code, § 14-85)

§ 50.115 CHARGES FOR INDUSTRIAL WASTES.

(A) Customers discharging industrial wastes into the town's sanitary sewer system shall be subject to surcharges that reflect the additional treatment demands of industrial wastes. Therefore, the amount of an industrial waste customer's bill depends upon the character and concentration of the wastes discharged as well as the quantity. Charges will be in accordance with the schedule of rates set forth in § 50.005.

(B) The volume of flow used in determining the total discharge of industrial wastes shall be based upon metered water consumption as shown in the records of meter readings maintained by the Administrator.

(C) In the event that a person discharging wastes into the sanitary sewers produces evidence satisfactory to the Administrator that more than 10% of the total volume of water used for all purposes does not reach the sanitary sewers, then the Administrator and the customer may agree to use an estimated percentage of total water consumption as a basis for calculation of sewer use charges.

(D) Where a person discharging industrial wastes into the public sewers procures all or any part of his or her water supply from sources other than the town, the person so discharging the waste shall install and maintain at his or her own expense water meters of a type approved by the Administrator for the purpose of determining the proper volume of industrial waste discharged to the sewers.

(1981 Code, § 14-86)

§ 50.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) As provided in §§ 50.030 through 50.036 above, termination of service is a remedy available to the town to enforce any of the provisions of this chapter.

(C) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ 50.012, 50.035(A) and (B), 50.050, 50.051, 50.106, 50.107, 50.110, 50.111, 50.112.

(D) (1) A violation of any of the sections listed in division (C) above other than § 50.107 shall subject the offender to a civil penalty of \$25.

(2) A violation of any of the provisions of §50.107 shall subject the offender to a civil penalty of \$200.

(3) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(E) The town may seek to enforce any of the provisions of this chapter through any appropriate equitable action.

(F) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(G) If a violation of any of the provisions of this chapter results in a danger to the public health or safety, the town may abate a nuisance through the procedures set forth in § 91.15(B) through (E).

(H) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

(1981 Code, § 14-2)