

# DIVISION IV

## WATER

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**RULES AND REGULATIONS  
FOR  
OPERATION OF WATER SYSTEM**

**DIVISION I**

***Definitions, Applicability and Amendments***

**Section 78-228. Definitions.** The following words as used in these Rules and Regulations shall have the following meanings.

**Annual Budget** shall mean any budget or amended budget of the Town of Chadbourn for each Fiscal Year.

**Application for Water Service** shall mean the written application required by Division II of these Rules and Regulations.

**Backflow** shall mean the reverse flow of water or other liquid, gases or other substances into the distribution piping of the town from any source or sources.

**Base Fee** shall mean a monthly payment charged by the town to each Consumer for making Water Service available which shall be payable regardless of whether the Consumer takes any water from the Water System.

**Commercial Service** shall mean Water Service provided to a school, multi-family dwelling, mobile home park, business, industry, public building or public park.

**Consumer** shall mean a person, firm, or corporation who makes an Application for Service to the town and connects to the Water System, whether or not the Consumer takes water from the Water System.

**Consumer Service Facilities** shall mean the water service facilities owned by a Consumer and commencing at the connection on the Consumers side of the town's meter and servicing the facilities of such Consumer, including pipe, private cut-off valves, Backflow prevention device, pressure reducing valve and other components.

**Debt Service** shall mean the sum of money required to pay installments of principal and interest on bond or other obligations of the town in a Fiscal Year.

**Town Service Facilities** shall mean those facilities of the Water System which have been identified by the Town of Chadbourn in its sole discretion as directly or indirectly benefiting only the Consumer using them and generally include the water meter, meter box, and cut-off valve related to providing water service to a Consumer.

**Fiscal Year** shall mean the period commencing on July 1 of any year and ending on June 30 of the following year, or such other fiscal year which the town may adopt.

**Impact Fees** shall mean a fee levied and collected to cover the cost of future capital improvements made to the Water System from time to time.

**Irrigation Service** shall mean service restricted only for the purpose of irrigation.

**Irrigation system** shall mean a device or combination of devices having a hose, pipe, or other conduit installed in the landscape which transmits town water, through such device or combination of devices town water or a mixture of town water and chemicals is drawn and applied to residential or commercial lawns, landscapes or green space.

**Rain sensor** shall mean an automatic device that will override the irrigation cycle of an irrigation system, thus turning it off, when a predetermined amount of rain has fallen. To meet the requirements of this section, a rain sensor shall be adjusted to shut off irrigation systems when up to one-fourth inch of rain has fallen.

**Leak Adjustment Policy** shall mean the provisions for adjustment of sewer on account of leaks set out in Section 78.263 hereof.

**Meter Testing Charge** shall mean the charge for which a Consumer is responsible for the testing of the meter measuring service to the Consumer.

**Rates and Fee Schedule** shall mean the Rates and Fee Schedule adopted by the town from time to time.

**Reconnection Charge** means a fee charged by the town for reconnection of water or irrigation service after it has been terminated for non-payment of a water bill or disconnected by request of the customer.

**Residential Service** shall mean service through a one inch or smaller meter serving a single family dwelling or church.

**Security Deposit** shall mean amounts required to be deposited with the town as security for payment of water and sewer bills.

**Tap-On Fee** shall mean a separate charge compensating the town for installation of the Town of Chadbourn Service Facilities required for service to a Consumer.

**Water Rate** shall mean the water rates of the town established pursuant to Division IV of this Ordinance.

**Water System** shall mean the water supply facilities owned by the Town of Chadbourn at any time.

**Section 78.229. Amendments.** The town may from time to time amend these Rules and Regulations. No promise, agreement or representation by any agent or employee of the town shall be construed as amending these Rules and Regulations or binding upon the town. No agreement of the Town of Chadbourn shall be binding unless in writing, approved by the Town Board and signed by its Mayor.

**Section 78.230. Applicability.** Is Ordinance, as amended, shall be binding on every Consumer.

## **DIVISION II**

### ***Water Service***

**Section 78.231. Application for Service.** Any potential Consumer desiring water service must make a written Application for Water Service to the town upon forms to be supplied by the town, setting forth in detail the type of service requested, the location of the property to be served, and such other information as the town may require.

**Section 78.232. Initial Fees.** The Application for Water Service shall be accompanied by any applicable Security Deposit, Tap-On Fee, Impact Fee, Capital Recovery fee and other required fees and charges.

**Section 78.233. Rejection of Application.** The town may reject an Application for Water Service if (i) the application seeks water service not within the classifications of service offered by the town, (ii) the providing of water service involves excessive service costs or is otherwise not feasible, (iii) the provision of water service may adversely affect the quality and quantity of water service the town is able to provide to its existing Consumers, (iv) the application is from a prospective customer who intends to resell the water, (v) the applicant is delinquent in payment of bills incurred for service previously supplied at the location for which water service is sought or incurred for service previously supplied at any other location, (vi) An application for Irrigation Service may be rejected for any reason.

**Section 78.234. The Town of Chadbourn to Produce All Potable Water.** So long as the Town of Chadbourn is capable of delivering to a Consumer its potable water needs, a Consumer shall not acquire or produce water from any source, including wells, for any purpose other than the town without the express written consent of the town. The Consumer shall disconnect from all other water supplies and eliminate all cross connections before connecting with the Water System.

**Section 78.235. Irrigation Service.** Water supplied for Irrigation Service only may not be used by a Consumer for potable or domestic use. No pipes or other Consumer Service Facilities intended for potable water service shall be connected to any meter dedicated only for Irrigation Service. If it is discovered that water supplied through a meter dedicated solely for Irrigation Service is being used for potable or domestic water use, the Consumer shall be required to pay the applicable Base Fee and Water Rates for potable water for the 12-month

period immediately preceding the date it is discovered that the Irrigation Service has been used for potable or domestic water use or such shorter period of actual service if the Irrigation Service meter has been installed for a shorter period.

1) *New installation.* Connections to the Town of Chadbourn water supply system shall have a separate connection for an Irrigation System consisting of an approved meter, RPZ backflow device and rain sensor.

(2) *Existing systems.* Connections to the Town of Chadbourn water supply system shall have a separate connection for an Irrigation System consisting of an approved meter, RPZ backflow device and rain sensor.

In accordance with North Carolina General Statutes, as of July 31, 2008 all new permanent in-ground irrigation systems *shall* be individually metered which will allow the town to monitor water usage in compliance with water conservation policies and disconnect irrigation systems that are not in compliance with those policies. In addition, such systems must have:

(a) A programmable controller for adjustment of irrigation frequency and intensity and

(b) A *rain sensor*, or other *approved conservation device*, for automatic shut-off in accordance with the town standards or be approved under the requirements of the latest conservation program of the Town of Chadbourn for automatic in-ground irrigation systems. Any automatic in-ground irrigation system that is not certified by the Public Works Director shall comply with the mandatory water conservation requirements

(c) An approved RPZ backflow device.

**Section 78.236. Waste.** A Consumer shall not willfully or indifferently waste water delivered to it by the town.

### DIVISION III

#### ***Connections, Meters and Other Service Facilities***

**Section 78.237. Water Service Metered.** Each unit shall be supplied through a separate meter or, if necessary and at the option of the town, through a separate battery of meters. Where a battery of meters is installed, the registrations of such meters shall be combined for billing purposes and shall be subject to a minimum charge equal to the combined minimum charge for the meters comprising the battery setting. Where, however, a Consumer is supplied through more than one service, unless otherwise agreed to by the town, the registration of the meter installed on each service shall be billed separately, subject to the minimum charge for each meter.

**Section 78.238. The Town of Chadbourn to Make Connections.** The town will make for each Consumer or cause to be made all installations of the required Town Service Facilities (including meter) necessary for connections to the town's pipelines, and will specify the location, size, kind and quality of all materials constituting the Town Service Facilities up to the connection on the Consumers side of the town's meter. Each Consumer shall provide the town's representatives and employees' free, reasonable and safe access to Town Service Facilities. The town shall have no liability for failure to make a connection within any particular time period.

**Section 78.239. Control and Maintenance of the Town of Chadbourn Equipment.**

(a) The Town Service Facilities and all supply lines, and other equipment of the town shall be under its exclusive control, and no persons, other than authorized employees, agents or contractors of the town, shall repair, change, tamper or interfere with them in any way. IT IS UNLAWFUL FOR ANY PERSON TO TAMPER WITH OR BYPASS A WATER METER. Any person tampering with, reconnecting, or by passing any meter upon premises where service has been discontinued for failure to pay bills shall be guilty of a misdemeanor and punished pursuant to the provisions of N.C.G.S. The town may, in addition to prosecution, permanently refuse service to any owner/customer who tampers, adjusts, or resets, or otherwise interferes with meters or measuring devices.

(b) Meters and other Town Service Facilities will be maintained by the town at its expense insofar as ordinary wear is concerned, but damage to any meter or other Town Service Facilities due to hot water, freezing, vehicular traffic, or other external causes arising out of or caused by the Consumers Service Facilities, operations, negligence or carelessness shall be paid by the Consumer. The amount of such damage or the cost of repairs shall be added to the first water bill of the Consumer rendered after the amount of the damage or the cost of the repairs are ascertained by the town. Payment of such amount may be enforced in the same manner as payment of Water Rates.

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

**Section 78.240. Consumers Service Facilities.** The Consumers Service Facilities shall be installed and maintained by the Consumer at its sole cost and expense, but shall be subject to inspection and approval by the town before service is connected. The Consumers Service Facilities shall be installed in accordance with the town's specifications. The town does not assume responsibility for inspecting the Consumers Service Facilities or for any defects therein.

**Section 78.241. Backflow.** Consumers Service Facilities connected with the Town Service Facilities shall not be connected with pipes or fixtures supplied with water from any other source. Illegal or unapproved connections will be fined in accordance with the current fee schedule plus any State imposed fines. Each Consumer shall prevent the Backflow of water

from his premises into the Water System. The Backflow prevention devices to be used shall comply with applicable State building codes and shall be approved by the town. Expense for all Backflow prevention equipment, installation, maintenance and tests shall be the sole responsibility of each Consumer. There shall be no cross-connections between the Consumer Service Facilities and any other sources of water. Upon the discovery of a cross-connection or the absence of a proper Backflow prevention device, water service shall be terminated until the violation is remedied. Each backflow device will be tested annually by a North Carolina certified backflow tester and results forwarded to the Public Works Director. Failure to have a backflow device tested will be fined in accordance with the current fee schedule.

**Section 78.242. Tests.** The town may at any time remove any meter for routine tests, repairs or replacement. The town shall upon request of a Consumer, test the accuracy of the meter in use, provided the meter has not been tested by the town within a period of three (3) months previous of such request, and that the Consumer will agree to abide by the results of such test in the adjustment of disputed charges. If the meter is shown to have an error as described in Section 78.243 hereof, the town will replace or correct the meter at no charge to the Consumer. If the meter has no such error, the Consumer will pay a Meter Testing Charge in accordance with the Rates and Fee Schedule.

**Section 78.243. Error.** Whenever a test of a meter reveals it to have an average error of more than two percent (2%), the town shall bill or refund to the Consumer, as the case may be, such percentage of the amount reflected on bills covering the consumption indicated by the meter for the previous three (3) months, as the meter was found to be in error at the time of test, unless it can be shown to the satisfaction of the town that the error found had existed for a greater or lesser period, in which case the adjustment shall cover such actual period.

**Section 78.244. Access.** The town, its agents, contractors and employees shall have access at all reasonable hours to a Consumers premises for the purpose of operating and maintaining Town Service Facilities and the Water System.

**Section 78.245. Undeveloped Subdivisions.** The construction of water mains, laterals and Town Service Facilities by developers for service to undeveloped subdivisions shall be controlled by and subject to Appendix C, Water Distribution System Expansion Policy. **All lines and fixtures shall be deeded or dedicated to the Town of Chadbourn, all fees paid, approved from DENR and the Town Board prior to the installation of any meters.**

**Section 78.246. Application.** Written Application for Water Service (on forms provided by the town) shall be made to the town by any person intending to construct Water Improvements in the town's jurisdiction.

#### **Section 78.247. Improvement Guarantees**

- A. Prior to the approval of any application, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.

B. The town shall require a financial guarantee guaranteeing required on-site and off-site improvements in conformance with Improvement Guarantees.

### **Section 78.247. Inspections of Required Improvements**

Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans. No improvements shall be accepted for maintenance by the town unless and until the requirements regarding water and sewer improvements have been met.

### **Section 78.249 Site Plan Amendments**

A. Minor changes to the approved site plan, such as those resulting from field conditions or which result in an equivalent or better performance may be approved by the Public Works Director in conjunction with the town engineer.

B. Significant changes to the approved site plan, as determined by the Public Works Director shall be resubmitted for review and approval by the approving authority as if they were a new application.

### **Section 78.250 Security/Letter of Credit Required**

#### **A. Security Required**

To ensure the completion, installation, and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the developer whereby the developer shall agree to complete all required water and sewer improvements. This agreement shall be accompanied by a survey plat indicating the property boundaries and lot lines (if applicable) of the area subject to the agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Planning Board, if all other requirements of this rule are met. To secure this agreement, the developer shall provide, subject to the approval of the Town Manager, either one or a combination of the following guarantees equal to 125% of the entire cost as provided herein:

#### **1. Letter of Credit or Cash Security**

The developer shall deposit an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the town. The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to 125% of the cost, as estimated by the

developer and approved by the Town Manager, of installing all required water and sewer improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town Manager an agreement between the financial institution and himself guaranteeing the following:

i. That said escrow account shall be held in trust until released by the town and may not be used or pledged by the developer in any other matter during the term of the escrow; and

ii. That in the case of failure on the part of the developer to complete said improvements the financial institution shall, upon notification by the town and submission by the town to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the Town of Chadbourn.

#### B. Default

Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance financial guarantee or escrow agreement, then the surety, or the financial institution holding the escrow account shall pay all or any portion of the financial guarantee or escrow fund to the town up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the town may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

#### C. Release of Guarantee Security

1. The Board of councilmen may release a portion of any security posted as the improvements are completed.

2. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the financial guarantee guaranteeing improvements shall be retained by the town until the remaining required improvements are completed.

**Section 78.251. Requirements for Water Improvements.** Water Improvements shall meet the following requirements:

(a) All Water Improvements shall be designed and constructed in conformance with design standards for the System as designated and maintained by the town.

(b) The applicant shall employ a competent engineer at its expense to prepare plans for the Water Improvements. The engineer shall be registered in the State of North Carolina. The town will provide base sheets and one (1) set of technical master specifications (at cost) to be used to prepare the construction documents for the Water Improvements.

(c) The completed plans and specifications shall be submitted to the town for review by the Technical Review Committee (TRC) for approval prior to submittal to other agencies. Approval of plans and specifications by the town does not relieve the applicant from obtaining any and all approvals necessary for the construction of the Water Improvements.

(d) The town shall have the authority to release construction plans and specifications approved by it. Applications to other agencies shall be submitted in the name of the town. The applicant will pay all application fees.

(e) The applicant shall engage a licensed and reputable contractor, acceptable to and approved by the town, to construct the Water Improvements.

(f) The Town shall inspect the Water Improvements during and after construction. Prior to placing Water Improvements in service, the applicant shall satisfy the town that they were built in accordance with the approved plans and specifications. The applicant's engineer will certify in writing that infiltration rates are within the limitations required in the specifications and the system has been installed in accordance with the plans and specifications.

(g) The applicant's engineer will modify the original approved drawings as necessary to provide accurate reproducible as-built drawings, both drawn and digital, to the town upon completion of construction.

(h) Through appropriate legal documents such as deeds and recorded plats, the applicant shall dedicate to the town all Water Improvements and all easements, rights-of-way or fee simple parcels on which the Water Improvements may be located. When applicable, three party encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be thirty (30) feet unless the System Director determines that exceptional topographic characteristics justify a lesser width.

(i) The applicant shall provide the town a notarized certification of payment of all contractors.

(j) The applicant shall indemnify the town for any damages or injury to persons or property by reason of the Water Improvements, their construction, maintenance or repair.

(k) No construction of any Water Improvements shall be initiated until approvals have been granted by the town and all other appropriate agencies.

(l) Any subdivisions to which or in which the Water Improvements are to be made must have been approved by the County or the municipality in which the subdivision is located, as the case may be.

(m) No provisions in this section shall be construed to obligate the town to accept any Water Improvements that fail to comply with the requirements of these Rules and Regulations.

#### **Section 78.252. Main Line Extensions**

A) All water main and/or lateral lines shall meet all requirements of the Rules for Governing Public Water Systems, North Carolina Administrative Code and any supplemental rules the Town of Chadbourn may from time to time adopt.

B) Residents in a subdivision and/or unofficial subdivision may apply to the town, install, or have installed a water main and/or laterals in their subdivision as follows:

- 1) Apply to the town, for determination of impact fees, tap fees and/or meter relocation fees that may be applicable to said project.
- 2) Provide the town with engineered plans and specifications, sufficient to meet the town's requirements, apply and obtain approval of the project from the State of North Carolina and the Town's Board of Councilmen.
- 3) Provide the Town of Chadbourn easements in which the main and lateral line(s) are to be placed.
- 4) Install the water lines in accordance with the approved plans and specifications and provide the town with an Engineering Certification and a 'Deed of Dedication' upon completion. Pay all impact, capital recovery, tap and/or meter relocation fees.
- 5) Or: Petition the Town of Chadbourn, provide the town with the method of funding, of obtaining necessary easements for the right of way, pay all the then determined cost of design and prior to construction, all estimated construction costs, impact, tap and/or meter relocation fees.

C) In the event of an environmental and or health hazard the town may at its discretion, apply for and obtain necessary permits, determine the cost of, and the manner in which said cost shall be distributed, collect and/or set in motion the method of collection of the determined costs, have said water lines engineered, installed and placed in service.

## DIVISION IV

### *Rates, Fees, and Charges*

**Section 78.253. Water Rates.** The town shall annually, or more frequently if financial or other conditions dictate, establish Base Fees and Water Rates at least sufficient to cover all expenses for the ensuing Fiscal Year as identified in the Annual Budget. Base Fees and Water Rates will be determined in view of water use projections for each ensuing Fiscal Year. Base Fees and Water Rates thus established shall be billed to Consumers by the town as hereinafter provided on the basis of actual metered water used.

The Town of Chadbourn's Annual Budget for each Fiscal Year may include:

A. Operating Expense Components.

(i) Current Expenses.

(ii) An operating maintenance reserve.

(iii) Appropriations to repair/replacement reserves for purposes of timely correction of any mechanical/physical deficiencies which arise out of normal system use or which are not correctable from insurance proceeds or other monies readily available to the town.

(iv) Debt Service, including such debt service reserves and other funds, accounts and reserves as may be required by instruments of debt authorization and such other amounts as may be required to comply with the covenants contained in instruments of debt authorization.

(v) An allowance for depreciation.

(vi) Such other components as the town shall direct in the exercise of good business and operating practices for comparable facilities.

B. Capital Expense Components: Such other components regarding Water System development and growth as the town shall identify as being necessary or appropriate.

**Section 78.254. Other Fees and Charges.** The town may from time to time adopt and impose Tap-On Fees, Impact Fees, Capital Recovery, and such other rates and charges as it deems appropriate, the amount of which shall be set forth in the Rates

and Fee Schedule. Tap-On Fees, Capital Recovery fees and Impact Fees shall be paid at the time of application for service. **No meters shall be installed until all fees have been paid.**

**Section 78.255. Security Deposit.** Each Customer may be required to make a Security Deposit at the time of applying for service in the appropriate amount set forth in the Deposit Policy in Appendix B.

**Section 78.256. Rates and Fee Schedule.** The Rates and Fee Schedule is incorporated in and shall be a part of these Rules and Regulations.

**Section 78.257. Out of Town Limits Rates.** Service outside the Town of Chadbourn corporate/annexed area will be double the inside rates.

## **DIVISION V**

### ***Billing and Collection***

**Section 78.258. Bills** - Commencing upon a Customer connecting to the Utility System, the town will mail each customer a bill each month covering charges during the previous period. Bills shall be calculated based on the charges in accordance with the town's Rates and Fee Schedule. All bills shall be sent to the billing address shown on the Application for Service unless a Customer notifies the town in writing of some other address to which bills are to be mailed. Failure to receive bills will not be considered justification for nonpayment of amounts due or permit an extension of the date when the account would be considered delinquent. The town may at any time correct any bills for service, which may be in error or in accordance with its Leak Adjustment Policy. Utility Services shall be billed in the regular billing period. Opening and closing Bills may be pro-rated.

Each unit of a multi-family parcel and each mobile home in a mobile home park will be treated as a single-family unit and each unit will be responsible for all applicable Rates, Charges, Fees and penalties pursuant to this ordinance.

### **Section 78.259. Billing Start Date.**

(a) A Residential User, Commercial User, or Mobile Home Park Owner shall be liable to pay the Town's User Rates and the billing period shall commence on the date by which the Owner of the structure being served or Mobile Home Park is required by these Rules and Regulations to connect to the System. If the Owner or Mobile Home Park fails to connect to the System within the time required, the Owner (rather than the User of the structure being served, if different from the Owner) shall pay the User Rates until connection to the System has been made and thereafter the User

of the structure who receives the bill for the structure shall be responsible for paying the User Rates. Any User Rates required to be paid by a Customer before the Owner's premises are connected to the System shall be charged a Base Charge.

(b) The billing start date for Industrial Users shall be the date such User connects to the System.

**Section 78.260. Payment** - By applying for service, a Customer agrees to pay the rates, fees and charges of the town in accordance with this ordinance. Bills are due when rendered. A bill for any billing period shall be considered delinquent if not paid by the Customer on or before the 25<sup>th</sup> day of the month immediately following the end of the billing period for which the bill is rendered. If the payment is not received in the office before the 26<sup>th</sup> day of the month, a 12% late fee will be applied. Any bills not paid by the 5<sup>th</sup> of the following month will result in suspension of service. At any time after a Customer has presented a bad check/draft for the payment of any bill, the town requires that payment be made only in cash, by money order, or by certified check. If customer has a returned check the town may suspend check writing privileges for a period of one (1) year.

**Section 78.261. Uncollectible Accounts Receivable** – Accounts not collected within 180 days/6 months of the due date shall be moved from accounts receivable to an Uncollected Accounts file. Uncollected accounts may be turned over to a collection agency and a 35% fee will be added.

**Section 78.262. Broken Seals, Meter Failures** - If a meter seal is removed other than by town personnel or if a meter fails to register correctly or is stopped for any cause, the Customer agrees to pay each billing period an estimated water rate based on the average usage for the immediately preceding 12-month period, or such shorter period of actual use.

**Section 78.263. Adjustments for Leaks** Adjustments for water leaks will only be adjusted on the sewer bill only. Any Customer desiring an adjustment for a water leak from a line break shall notify the town of the existence of the leak and provide evidence of its repair. Upon determining that the leak existed, and the duration of the period of the leak, the town will, to the extent during the period the Customer's usage exceeds the average monthly usage of the Customer for the past 12 months (or such shorter period of actual use), deduct the excess amount from the average on the sewer bill only for up to a maximum of two consecutive months. **Irrigation systems and Faulty toilets do not qualify for leak adjustments.** The town reserves the rights to require the Customer to have a licensed plumber verify the existence of a leak and to deny any adjustment without the approval of the Town Manager. **Only one adjustment per year is allowed.**

**Section 78.264. Pool Adjustments** – For pool adjustments there will be a minimum of 6000 gallons usage and this shall be limited to one time per calendar year deducted from sewer only.

## DIVISION VI

### *Reductions, Interruptions and Discontinuances*

**Section 78.265. Limitations on Service/Curtailment.** The town's ability to deliver water may be affected by the amount of water available to it or the capacity of the Water System. If the town is required to reduce the amount of water delivered to Consumers, it will reasonably attempt to reduce or diminish the supply of water to each Consumer in the same proportion or ratio as the supply to other Consumers is reduced.

**Section 78.266. Temporary Interruptions.** The town may at any time shut off the water in the Water System in case of an accident or for the purpose of making connections, alterations, repairs, and changes or for any other lawful reasons. It is the obligation of Consumers and not the town to protect the Consumers Facilities connected with the Water System so that damage will not occur if water is shut off.

**Section 78.267. Other Interruptions.** In addition to other rights and remedies afforded to the town herein, the town may also without notice discontinue or curtail service to prevent fraud or abuse, on account of a violation of these Rules and Regulations, to protect the public health, legal process, direction of public authorities, or for strike, riot, fire, flood, accident or any other unavoidable cause.

**Section 78.268. Irrigation Service.** The town may curtail or terminate Irrigation Service at any time for any reason.

**Section 78.269. Shut Off for Default.** If payment of a water bill including penalties and /or miscellaneous charges are not paid before the last day of the month in which it is due, water service may without notice be suspended by the town. If the water bill remains unpaid for 60 days after service is suspended, then service may without notice be terminated. The town may also discontinue service after 30 days' notice when a Consumer violates any of these Rules and Regulations and fails to remedy or cure such violation within the 30-day notice period.

**Section 78.270. Restoration of Service.**

(a) When water service has been suspended for nonpayment of water bills, water service will be restored upon payment in full of all delinquent bills, any current bill which is due but not delinquent, and the payment of a Reconnection Charge in accordance with the town's Rates and Fee Schedule. Reconnections will be made only between the hours of 2:00 p.m. and 4:00 p.m.

(b) When water service has been terminated (as opposed to suspended) for failure to pay a water bill, in addition to the requirements of subparagraph (a) of this section, the Consumer shall execute a new application for service and pay a new Security Deposit (which the town may elect to double).

**Section 78.271. Termination of Service by Consumer.** The town will terminate service at the request of a Consumer upon written request for termination signed by the Consumer.

**Section 78.272. No Liability.** The town shall have no liability on account of interruptions of service, erroneous shut-offs, failure to deliver water or failure to deliver water at any particular (high or low) pressure.

## **DIVISION VII**

### ***Errors In Bill***

**Section 78.273. Consumer Requests.** A Consumer considering his water bill in error shall, before the bill becomes delinquent, deliver in person to the town's office a written statement of the reasons he considers the bill to be in error. Upon receiving such notice, the town will hold the disputed bill in abeyance and present the matter for consideration to Town Board at its next regularly scheduled meeting, at which meeting the consumer shall be entitled to appear and present the reasons they believe the bill to be in error. The Consumer shall pay the bill in full within 10 days after the Board makes its final decision concerning the matter.

**Section 78.274. Late Notice.** If a Consumer presents to the town a written notice required by Section 78.273 above after the bill has become delinquent but before service is discontinued for nonpayment of the bill, the Consumer may nevertheless have the matter considered at the next available Town Board meeting provided that the Consumer pays the bill in full at the time of giving the notice. If the Town Board makes an adjustment in the bill, a refund will be made to the Consumer or credit made to the Consumers account within 10 days after the Boards final decision.

## **DIVISION VIII. WATER SHORTAGE RESPONSE PLAN**

### **Introduction**

The Town of Chadbourn henceforth referred to as the "town" and the Town Council, henceforth referred to as the "Board" shall have the charge to protect the Town of

Chadbourne public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the town's water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

#### **Section 78.275. Authorization**

The Town Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section 78.278 are met. In his absence, the Public Works Director will assume this role.

#### **Section 78.276. Notification**

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, and notices in water bills. Required water shortage response measures will be communicated through public service announcements (PSA,s) on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers via local media.

#### **Section 78.277. Public Comment**

A draft plan will be available at the town offices for customers to view. Customers will be notified per Section 78.276. All revisions to the plan will be available at least 30 days prior to an adoption vote by the Councilmen.

#### **Section 78.278. Levels of Response**

Three levels of water shortage response are outlined in the table below. The three levels of water shortage response are: Stage 1- Water Conservation Alert, Stage 2- Water Shortage Warning, and Stage 3- Water Shortage Danger. A detailed description of each response level and corresponding water reduction measures follow below.

- (a) *Declaration of water emergency.* The Manager or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this Division shall be imposed upon all water customers.
  
- (b) *Staged water use restrictions.*

(1) *Stage 1--Water Conservation Alert.* A Stage 1 water shortage emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty (80) percent of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 water shortage emergency the following voluntary water conservation practices shall be encouraged:

- a. Inspect and repair all faulty and defective parts of faucets and toilets.
- b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
- c. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
- d. Limit the use of clothes washers and dishwashers and when used, operate fully loaded. Operate dishwashers after the peak demand hours of 6:00 p.m. to 10:00 p.m.
- e. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 a.m. to 10:00 a.m.
- f. Water shrubbery the minimum required. Water shrubbery before the peak demand hours of 6:00 a.m. to 10:00 a.m.
- g. Limit vehicle washing to a minimum.
- h. Do not wash down outside areas such as exterior siding, sidewalks, driveways, patios, etc.
- i. Install water saving showerheads and other water conservation devices.
- j. Use disposable and biodegradable dishes where possible.
- k. Install water saving devices in toilets such as early closing flappers.
- l. Limit hours of water cooled air conditioners.
- m. Do not fill swimming or wading pools.

(2) *Stage 2--Water Shortage Warning.* A Stage 2 water shortage emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety (90) percent of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-

four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 water shortage emergency the following activities shall be prohibited:

- a. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held hoses, container, or drip irrigation system. A person who regularly sells plants will be permitted to use water on their commercial stock. A golf course may water its greens. State and county licensed landscape contractors may water any plants by handheld hose or drip irrigation under a written warranty.
- b. Filling swimming or wading pools either newly constructed or previously drained. Make up water for pools in operation will be allowed.
- c. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
- d. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Any persons involved in a business of washing motor vehicles may continue to operate.
- e. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios.
- f. Washing the exterior of office buildings, homes or apartments.
- g. Using water for any ornamental fountain, pool, pond, etc., unless recycled.
- h. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
- i. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Manager or his authorized representative.
- j. Using water to control or compact dust.
- k. Intentionally wasting water.
- l. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty (20) percent shall be the target; however a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Manager or his authorized representative. Variances to the target reduction may be granted by director or his authorized representative to designated public health facilities.

(3) *Stage 3--Water Shortage Danger.* A Stage 3 water shortage emergency may be declared in the event of an immediate water shortage,

as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred (100) percent of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 water shortage emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

- a. Watering lawns, grass, shrubbery, trees, and flowers.
- b. Washing motor vehicles at commercial car wash establishments.
- c. Watering any vegetable garden except by hand held hose, container, or drip irrigation.
- d. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty (50) percent shall be the target; however a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Manager or his authorized representative. Variances to the target reduction may be granted by the Manager or his authorized representative to designated public health facilities.
- e. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation and personal hygiene.

*(c) Compliance Plan during Stage 2 and Stage 3 emergencies.* The manager or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

### **Section 78.279. Enforcement**

The provisions of the water shortage response plan will be enforced by the Town of Chadbourn personnel. Violators may be reported to the town's main office. Violations are assessed according to the rate and fee schedule depending on the number of prior violations and current level of water shortage.

*Penalties for violation of mandatory restrictions.* Any user who is found to have failed to comply with any of the mandatory restrictions set forth in these regulations may be fined in accordance with the list of rates and charges currently in force for each violation.

*Authority to discontinue service.* Pursuant to the provisions of this Division, water service may be temporarily discontinued for failure to comply with the mandatory restrictions in this Division. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this Division, removal of meter and service will be deemed proper and service will be discontinued and tap fees and account deposits shall be forfeited.

*Appeals by customers of penalties and termination of service.* Any user who receives a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this Division may appeal upon notification to the Manager. The Manager shall be the final decision maker for appeals and shall transmit a written copy of the final decision by registered or certified mail within seven (7) days after notification.

*Adoption and enforcement of plan by public or private water system.* Public or private water systems purchasing water from the town shall adopt and enforce this entire Division as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall enforce the appropriate water use restrictions for the level of declared emergency.

*Termination of restrictions.* A water emergency declaration will expire when the Manager or his authorized representative determines that the condition that causes the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall be promptly and extensively publicized.

### **Section 78.280. Variance Protocols**

All requests for variance must be submitted to the town office for review by the Manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

### **Section 78.281. Effectiveness**

The effectiveness of the Town of Chadbourn Water Shortage Response Plan will be determined by comparing the stated water conservation goals with observed water use

reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

### **Section 78.282. Return to Normal**

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase will be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation will be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

### **Section 78.283. Revision**

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan.

## **APPENDIX A**

### **TOWN OF CHADBOURN CROSS CONNECTION CONTROL PROGRAM**

#### **CURRENT APPROVED BACKFLOW PREVENTION ASSEMBLIES AND DIAGRAMS ARE ON FILE AT THE TOWN OF CHADBOURN PUBLIC WORKS OFFICE**

These regulations are enacted in accordance with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 18C), and the North Carolina State Plumbing Code (Volume II) as they pertain to cross connections with the public water supply.

#### **A. Objectives of Program**

The specific objectives of the Cross-Connection Control Program for the Town of Chadbourn

- a. To eliminate all cross connections within Town of Chadbourn public potable water supply.
- b. To protect the public potable water supply of Town of Chadbourn against actual or potential contamination by isolating within each consumer's water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- c. To eliminate or control existing cross connections, actual or potential, between the potable water system(s) of consumers and non-potable or industrial piping system(s).
- d. To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections which may be installed in the future.

## **B. Responsibilities**

### **1. State of North Carolina**

The North Carolina Department of Environment, and Natural Resources (NCDENR) Division of Environmental Health has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross Connection Control Program.

The N.C. Division of Environmental Health also has the primary responsibility of insuring the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross connections. They have the further responsibility of insuring that the Town of Chadbourn provides an approved water supply at the service connection to the consumer's water system and, further require the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection when required.

### **2. Town of Chadbourn**

Except as otherwise provided herein, Town of Chadbourn's responsibility is to ensure a safe water supply beginning at the source and continuing throughout all of the public water distribution system, including the service connections, and ending at the point of delivery to the water system(s) of consumers. In addition, the Town of Chadbourn shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure proper precautions are taken, the Town of Chadbourn is required to determine the degree of hazard or potential hazard to the public potable water system, to determine the degree of protection required, and to ensure proper containment protection through an on-going inspection program.

When it is determined that a backflow prevention assembly is required for the

protection of the public system, the Town of Chadbourn shall require the consumer, at the consumers expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency determined by the Town of Chadbourn, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

### 3. Columbus County Plumbing Inspections

The code enforcement department of Columbus County has the responsibility to not only review building plans and inspect plumbing as it is installed, but also to prevent cross connections from being designed and built into plumbing systems. Where the review of building plans suggests or detects the potential for cross connection being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Plumbing Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the N.C. Building Code.

The plumbing inspector's responsibility begins at the point of delivery or where the service line approaches private property and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Plumbing Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Town of Chadbourn, the North Carolina Plumbing Code, and the NCDENR.

### 4. Responsibility: Consumer

Each consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system(s) or the Town of Chadbourn's public potable water system. The responsibility of each consumers starts at the point of delivery to the consumer from the public potable water system and includes all of the consumer's water system(s). Each consumer, at the consumer's own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town of Chadbourn. Each consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for a minimum period of three (3) years. The records shall be on forms approved by the Town of Chadbourn and shall include the list of materials or replacement parts used, and the dates of all tests and repairs and the identity of the contractor, if such work is not performed by the consumer. Following any repair, overhaul, re-piping, or relocation of a consumer's backflow prevention

assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. Tests, maintenance and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

#### 5. Certified Backflow Prevention Assembly Tester

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Town of Chadbourn. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material, or operational characteristics of an assembly during repair or maintenance without prior approval of the Town of Chadbourn. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Town of Chadbourn within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years.

All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the Town of Chadbourn. All test equipment shall be registered with the Town of Chadbourn. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Town of Chadbourn as to such calibration, employing an accuracy/calibration method acceptable to the Town of Chadbourn

All backflow prevention assembly testers must become certified or re-certified every two (2) years through a North Carolina AWWA/WEA approved backflow prevention certification program.

### C. Definitions

1. Air Gap Separation- shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap separation" shall be at least double the

diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel- in no case less than 1 inch (2.54 cm).

2. Approved- used in reference to water supply shall mean a water supply that has been approved by the NCDENR and by the Town of Chadbourn.
3. Backflow- shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.
4. Backflow Prevention Assembly Approved- shall mean an assembly used for containment and/or isolation purposes that has been investigated and approved by the Town of Chadbourn and has been shown to meet the design and performance standards of the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California. The Town of Chadbourn will provide a list of such Assemblies upon request.
5. Backflow Prevention Device Approved- shall mean a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the AWWA. The types are:
  - a. Hose Bibb Atmospheric Vacuum Breaker (HBVB).
  - b. Atmospheric Vacuum Breaker (AVB).

Backflow Prevention Assembly Unapproved- shall mean an assembly that has been investigated by the Town of Chadbourn and has been determined to be unacceptable for installation within the town water system. Consideration for disapproval and removal from the approved list shall be based on, but not limited to, the following criteria:

- a. Poor performance standards;
  - b. Lack of or unavailability of repair parts; and/or
  - c. Poor service or response from assembly's factory representative.
6. Backflow Prevention Assembly Type-shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential. The types are:
    - a. Double Check Valve Assembly (DCVA)
    - b. Double Check Detector Assembly (Fire System)(DCDA)
    - c. Pressure Vacuum Breaker (PVB)
    - d. Reduced Pressure Principle Assembly (RP)
    - e. Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA)
  7. Backflow Prevention Assembly Tester Certified - shall mean a person who has proven their competency to the satisfaction of the town. Each person who is certified to make competent test, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to The town, and must hold a certificate of completion from a North Carolina AWWAWEA approved training program.

8. Back-Pressure Backflow- shall mean an elevation in the consumer water system above the supply pressure at the point of delivery which would cause – or tend to cause a reversal of the normal direction of flow.
9. Back Siphonage Backflow- shall mean a reversal of the normal direction of flow in the pipeline due to negative pressure being created in the supply line with the backflow source subject to atmospheric pressure.
10. Check Valve Approved- Shall mean a check valve that is drip tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet pressure is zero. The closure element shall be internally loaded to promote rapid and positive closure.
11. Consumer- shall mean any person, firm, or corporation using or receiving water from the town water system.
12. Consumer's Water System- shall include any water system commencing at the point of delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.
13. Consumer's Potable Water System- shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/ or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.
14. Containment- shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.
15. Contamination- shall mean an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.
16. Cross Connection- shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with the system is supplied. By-pass arrangements, jumper connections, removable sections, swivels or change over devices, and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections.
17. Double Check Valve Assembly- shall mean an assembly composed of two (2) independently acting approved check valves, including tightly closing shut off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall be used to protect against a non-health hazard.
18. Double Check Detector Assembly- shall mean a specifically designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. This assembly shall only be used to protect against a non-health hazard.

19. Enclosure- Any structure to prevent a backflow preventer from freezing and is ASSE 1060 approved.
20. Hazard-Degree Of- shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such degree or intensity that there would be a danger to health.
21. Hazard- Health- shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.
22. Hazard-Non Health- shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health.
23. Hazard-Pollution- shall mean an actual or potential threat to the quality or the potability of the public or the consumer's potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
24. Health Agency- the term "health agency" shall mean the NCDEHNR Section of Health Services.
25. Industrial Fluids- The term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, cases; etc.
26. Industrial Piping System – Consumer's- The term "consumer's industrial piping system" shall mean any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey or store substances, which are or may be polluted or contaminated.
27. Isolation- "isolation" is the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. Disclaimer; the town may make recommendations, upon facility inspection, as to the usage's of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.
28. Point Of Delivery- "Point of delivery" shall generally be at the property line of the customer, adjacent to the public street where the town mains are located or at a point on the customer's property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer's side of the point of delivery.
29. Pollution- The term "pollution" shall mean an impairment of the quality of water to a degree which does not create an actual hazard to the public health but which does

adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

30. Potable Water- shall mean water from any source which has been investigated by the NCDENR Division of Health Services and which has been approved for human consumption.
31. Public Potable Water System- shall mean any publicly or privately owned water system operated as a public utility, under a current NCDENR permit, to supply water for public consumption or use. To include all sources, facilities, and appurtenances, between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.
32. Reduced Pressure Principle Backflow Prevention Assembly- shall mean an assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly is designed to protect against a health hazard.
33. Reduced Pressure Principle Detector Assembly- shall mean a specially designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. This assembly shall be used to protect against health hazard.
34. Service Connections- shall mean the terminal end of a service connection from the public potable water system, where the town lose jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.
35. Vacuum Breaker Atmospheric Type- shall mean a device containing a float check, a check seat, and an air inlet port. An atmospheric vacuum breaker is designed to protect against a non-health hazard under a back siphonage condition only.
36. Vacuum Breaker Pressure Type- shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is designed to protect against a health hazard under a back siphonage condition only.
37. Water Purveyor- shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.
38. Water Supply- Approved- shall mean any public potable water supply which has been investigated and approved by the NCDENR. The system must be operating under a valid health permit.
39. Water Supply – Auxiliary- shall mean any water supply on or available to the premises other than the purveyor's approved public potable water supply.
40. Water Supply – Unapproved- shall mean a water supply, which has not been approved, for human consumption by the NCDENR.

41. Water – Used- shall mean any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

***This program is gender neutral and the masculine gender shall include feminine and vice versa. Shall is mandatory, may is permissive and discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.***

#### **D. Right of Entry**

Authorized representatives from the town shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by these regulations. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make all necessary arrangements with the security guards so that upon presentation of suitable identification, the town employees will be permitted to enter, without delay, for the purposes of performing their specific duties. Refusal to allow entry for these purposes may result in discontinuance of water service.

On request, the consumer shall furnish the town any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

#### **E. Elimination of Cross Connections: Degree of Hazard**

When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the town. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

- a. Cross Connections with private wells or other auxiliary water supplies – immediate disconnection.
- b. All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
- c. All industrial and commercial facilities not identified as a "health hazard" shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

- d. If, in the judgment of the town, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.
- e. Based upon the recommendation from the town, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (air gap, pressure vacuum breakers, reduced principle backflow prevention assemblies, double check valve assembly)
- f. Water mains served by the town but not maintained by the town should be considered cross connections, with the degree of hazard to be determined by the town. The degree of protection shall be based upon the degree of hazard, as determined by the town.
- g. In the event that a The town Cross Connection Control Inspector does not have sufficient access to every portion of a private water system to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.
- h. No person shall fill special tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.
- i. All backflow assemblies that are not installed to the specifications set forth in the installation specifications shall be brought to code upon notification. Assemblies previously installed below ground without the proper drain size shall be considered cross connections and should be brought to date with present standards. (Drain sizes shall be two times the fire service supply or two times the fire service connection. Drain shall follow by gravity to sunlight.)
- j. All services outlined by this regulation that do not have containment assemblies installed shall install assemblies by the restrictions outlined.
- k. THERE ARE NO GRANDFATHER CLAUSES THAT EXIST FOR BACKFLOW ASSEMBLY INSTALLATIONS.

**F. Approved Backflow Prevention Assemblies-(The guidelines listed below should be considered prior to installation of any backflow prevention assembly. Local plumbing laws and regulations shall be followed.)**

1. The town should be contacted for the assistance in selection of an assembly due to the different pressure zones in the town.
2. For a list or approved backflow assemblies please refer to the latest edition of the Southern California's Foundation for Cross Connection Control and Hydraulic Research list of approved backflow assemblies or contact the town.
3. The town reserves the right to add or remove from the approved list any reduced pressure principle assembly, double check valve assembly.

4. It is a requirement that all backflow prevention assemblies be tested immediately after installation and at least once a year thereafter by a certified backflow tester authorized by the town.
5. The town will conduct random testing of backflow prevention assemblies to ensure that the assemblies are operating properly. The owner will be given adequate notice prior to the test date.
6. When cross connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the cross connection within the time limit established by the town. Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water system. Maximum time limits are as follows:
  - a. Cross connections with private wells or other unapproved source-immediate disconnect
  - b. Cross connection requiring correction through 1) elimination; 2) air gap separation; 3) reduced Pressure principle assembly, double check valve assembly, or pressure vacuum breaker for sizes ¾" through 2" up to ninety days.
  - c. Cross connections requiring correction through reduced pressure principle assembly or double check valve assembly for sizes 2 ½" and larger up to ninety days.

**G. Installation of Assemblies – (Approved backflow prevention assemblies and diagrams are on file with the town and with the Public Works Director.)**

16. All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the town and/or the manufacturer's installation instructions and /or in the latest edition of the North Carolina Building Code, whichever is most restrictive.
17. All backflow installations will require a plumbing permit within the inspections and/or code enforcement jurisdiction of the work which is being performed. These permits can be obtainable from the various jurisdictions throughout the town's service area. A copy of this permit will be required by the town before the installation process is started.
18. All new construction plans and specifications, when required by the North Carolina Building Code and the NCDENR shall be made available to the town for review and approval, and to determine the degree of hazard.
19. Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
20. The backflow preventer must be installed a maximum distance of five (5) feet from the meter service or before any wyes, tees, or bypasses. Installation of

- backflow preventers within the DOT right-of-way will not be accepted, it must be installed on the customers property.
21. Bypass piping is not permitted unless the by-pass piping is equipped with an approved backflow prevention assembly of the same type and brand as the main line assembly. In many instances it will be necessary to install two approved backflow prevention assemblies to ensure continuous water service.
  22. All backflow preventers must be installed above ground including double check valves. Backflow preventers installed inside must be a minimum of twelve (12) inches above the floor, and no higher than four (4) feet above floor. Customer must maintain adequate clearance around the assembly for testing, and/or repair of the assembly. Wherever a reduced pressure principle backflow preventer is installed inside a building an air gap drain of adequate size must be installed.
  23. Backflow prevention assemblies installed outside must be protected with an ASSE 1060 approved enclosure. The assembly must maintain a minimum distance of twelve (12") inches and a maximum of distance of thirty (30") inches above ground. Landscaping is allowed around any assembly provided it does not interfere with the testing and/or repairing of the assembly.
  24. Protective enclosures must be used to prevent from freezing or vandalism for backflow prevention assemblies installed outside above ground. Freeze proof enclosures that meet or exceed North Carolina Plumbing Code Standards are acceptable provided the insulation is at least 7.05 R factor, and have the 1060 ASSE approval plate. Adequate drainage shall be provided by hinged door drain or ports along the bottom walls of the protective enclosure. The enclosure will require to be mounted to the ground or existing grade. If the structure is not removable it must be accessible by doors large enough for entrance and repair.
  25. Backflow prevention assemblies two and one half (2 ½") inches or larger must be supported to allow for the weight of the backflow prevention assembly. Support construction can consist of cinder block, brick or steel. Supports must have proper footing to rest on. Supports should be spaced so they do not cause interference with the testing and/or repair of the assemblies.
  26. All piping must be of ductile iron, cast iron, steel, or other approved equal.
  27. In order to prevent obstruction during the testing or repair of the assembly, additional piping and/or valves shall not be located within and/or under the enclosure.
  28. All backflow prevention assembly installations shall be inspected by the town prior to initial connection to the potable water system.
  29. Before installation of any backflow preventer, contact the town at (910) 371-9949 to assist in the proper selection and installation.
  30. All Reduced pressure (RP) principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited). Double check valve assemblies may be installed in a vertical position with prior approval from the town provided the flow of water is in an upward direction or assembly has been approved by the Southern

California's Foundation for Cross Connection Control and Hydraulic Research approval for this intended use:

- a. All existing commercial or high hazard commercial water services that are renewed shall have containment assemblies installed at the service connection raised above ground in a freeze proof enclosure.
  - b. All facilities that change the intended use of the water supply shall install containment assemblies.
  - c. All existing facilities that change the name or are sold to new owners, are required to install a containment backflow assembly at the service connection on existing water services.
  - d. All outdoor above ground backflow assemblies are required to have an ASSE 1060 approved protective enclosure. (In accordance with NC State plumbing code section 608.14.1)
16. All assemblies below ground that fail the annual test and are considered in a nuisance installation and are considered probable cause of a potential cross connection shall be raised above ground and placed in a freeze proof enclosure.
17. Assembly owners are responsible for the environment where assemblies are installed. Assembly owners are responsible for supplemental heat when assemblies are endangered of freezing.
18. Installation drawings shall be submitted to the town, before prior installation for upgrades to be approved by the town.
19. Assemblies below ground installed, that do not have working gravity drains and drains that are not two times the supply size of the water service supplying assemblies shall be raised and placed in a freeze proof enclosure.
20. The installation of a backflow prevention assembly, which is not approved, must be replaced with an approved backflow prevention assembly.
21. The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the town within fifteen (15) days after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA), pressure vacuum breaker (PVB), double check detector assembly (DCDA), or reduced pressure principle detector assembly (RPDA) is installed:
- a. service address where assembly is located
  - b. owner and mailing address
  - c. description of assembly's location
  - d. date of installation
  - e. installer (including name, company, license number, and project permit number)
  - f. type of assembly, size of assembly

- g. manufacturer, model number and serial number
  - h. test results/report
22. When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The town will not accept an unapproved bypass around a backflow prevention device when the assembly is in need of testing, repair, or replacement.
23. The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:
- a. Health hazard----- 60 days
  - b. Non-health Hazard----90 days
24. Following installation, all RP, DCVA, PVB, DCDA, and RPDA are required to be tested by a certified backflow prevention assembly tester that is registered with the town within ten (10) days.

#### **H. Testing and Repair of Assemblies**

1. Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester at the customer's expense. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the town regulations. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the town within ten (10) business days after the completion of any testing or repair work.
2. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the town, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:
  - a. Health Hazard Facilities – 14 days
  - b. Non-Health Hazard Facilities – 21 days
3. All backflow prevention assemblies with test cocks are required to be tested annually or as frequently required by the town. Testing requires water shut down usually lasting five (5) to twenty (20) minutes. For facilities, that requires an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.
4. All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and/or approved by the town. All test equipment shall be registered with the town and will be checked annually for accuracy. All test equipment shall be checked for accuracy annually, calibrated, if necessary, and certified to the town as to such accuracy/calibration, employing a calibration method acceptable to the town.
5. It shall be unlawful for any customer or certified tester to submit any record to the town, which is false or incomplete material in any respect. It shall be unlawful for any customer or certified tester to fail to submit to the town any record, which is required by this program. Such violations may result in any of the enforcement actions outlined in Section K of this program in its entirety.

## I. Facilities Requiring Protection

Approved backflow prevention assemblies shall be installed on the service line to any premises that the town has identified as a potential for backflow.

The types of facilities or services listed below have been identified by the town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the town. As a minimum requirement, all commercial services will be required to install a Double Check Valve Assembly, unless otherwise listed below.

DCVA= Double Check Valve Assembly  
RP= Reduced Pressure Principle Assembly  
DCDA= Double Check Detector Assembly  
RPDA= Reduced Pressure Detector Assembly  
AG= Air Gap  
PVB= Pressure Vacuum Breaker

1. Aircraft and Missile Plants: RP
2. Automotive Services Stations, Dealerships, etc.
  - a. No Health Hazard: DCVA
  - b. Health Hazard: RP
3. Automotive Plants: RP
4. Auxiliary Water Systems:
  - a. Approved Public/Private Water Supply: DCVA
  - b. Unapproved Public/Private Water Supply: AG
  - c. Used Water and Industrial Fluids: RP
5. Bakeries:
  - a. No Health Hazards: DCVA
  - b. Health Hazard: RP
6. Beauty Shops/Barber Shops:
  - a. No Health Hazards: DCVA
  - b. Health Hazards: RP
7. Beverage Bottling Plants: RP
8. Breweries: RP
9. Buildings- Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
  - a. (Under five stories) NO Health hazards: DCVA
  - b. (Under five stories) Health Hazards: RP
  - c. (Over five stories) All: RP

10. Canneries, packing houses, and rendering plants: RP
11. Chemical plants- Manufacturing, processing, compounding or treatment: RP
12. Chemically contaminated water systems: RP
13. Commercial car wash facilities: RP
14. Commercial greenhouses: RP
15. Commercial sales establishments (department stores, malls, etc.)
  - a. No Health Hazard: DCVA
  - b. Health Hazard: RP
16. Concrete/asphalt plants: RP
17. Dairies and cold storage plants: RP
18. Dye works: RP
19. Farms: RP
20. Film laboratories: RP
21. Fire Systems:
  - a. Systems  $\frac{3}{4}$ " (inch) to 2" (inch)
    - 1.) No health hazard: DCVA
    - 2.) Health Hazard: (Booster pumps, foam, antifreeze solution, etc.): RP
  - b. Systems 2  $\frac{1}{2}$ " (inch) to 10" (inch) or larger
    - 1.) No health hazard: DCDA
    - 2.) Health hazard: (Booster pumps, foam, antifreeze solution, etc.) RPDA
22. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
23. Industrial facilities:
  - a. No health hazard: DCVA
  - b. Health hazard: RP
24. Laundries:
  - a. No health hazard: DCVA
  - b. Health hazard: (i.e., Dry cleaners): RP
25. Lawn irrigation systems: RP
26. Metal Manufacturing, cleaning, processing, and fabricating plants: RP
27. Mobile Home Parks:
  - a. No health hazard: DCVA
  - b. Health hazard: RP
28. Oil and Gas production, storage, or transmission properties: RP
29. Paper and paper products: RP
30. Pest control: RP
31. Plating plants: RP
32. Power plants: RP
33. Radioactive materials or substances: RP
34. Restaurants:
  - a. No health hazard: DCVA
  - b. Health hazard: RP
35. Restricted, classified, or other closed facilities: RP
36. Rubber plants: RP

37. Sand and gravel plants: RP
38. Schools and colleges: RP
39. Sewage and storm drain facilities: RP
40. Swimming pools: RP
41. Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by The town.

#### **J. Connections with Unapproved Sources of Supply**

1. No person shall connect or cause to be connected any supply of water not approved by the NCDENR to the water system supplied by the town. Any such connections allowed by the town must be in conformance with the backflow prevention requirements of this program.
2. In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify The town immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

#### **K. Fire Protection Systems**

1. All connections for fire protection systems connected with the public water system, two (2) inches or smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure zone assembly at the main service connection or within the FDC system.
2. All existing backflow prevention assemblies two and one-half (2 1/2) inches and larger installed on fire protection systems (that were initially approved by The town) in operation at the time these regulations becomes effective shall be allowed to remain on the premises, as long as they are being properly maintained, tested, and repaired as required by this program. If, however, the existing assembly must be replaced, or in the event of proven water theft through an un-metered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.
3. All backflow preventers for fire protection should also meet the requirements of the building and fire codes of Columbus County Code Enforcement.

#### **L. Enforcement**

1. The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this program shall be notified in writing with

regard to the corrective action (s) to be taken. The time for compliance shall be in accordance with Section F.

2. The owner, manager, supervisor, or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, as outlined in Section F shall be considered in violation of these regulations, and may be issued a citation by the town. Said citation shall specify the nature of the violation and the provisions of this program violated, and further notify the offender that the penalty for said violation is as set forth in paragraph (3) below and is to be paid to the town within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, the town may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.
3. Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a penalty of up to \$1000.00 per violation. Each day in which a violation of any provision of this program shall occur or continue shall constitute a separate and distinct offense.
4. If, in the judgment of the town, any owner, manager, supervisor, or person in charge of any installation found to be in non-compliance with the provisions of this program, neglects their responsibility to correct any violation, a discontinuance of water service may be directed until compliance is achieved.
5. Failure of a customer or certified tester to submit any record required by this program, or the submission of falsified reports/records may result in a penalty of up to \$1,000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to the town shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed one (1) year. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to a penalty (as stated herein).
6. Enforcement of this program shall be administered by the Public Works Director or his authorized representative.
7. Request for extension of time shall be made in writing to the Public Works Director or his authorized representative. All other appeals shall be made in accordance with the following procedure:
  - a. A customer assessed a penalty under this section shall have the right to a hearing before the town upon making written demand, identifying the specific issues to be contended, to the Public Works Director within thirty (30) days following notice of final decision to assess a penalty. Unless such demand is made within the time

specified herein, the decision on the penalty assessment shall be final and binding.

- b. Appeal Hearing: Any decision of the town made as a result of a hearing held under paragraph (a) of the section may be appealed to the Town Board upon written demand within ten (10) days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with the Town Board hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Town Board shall make a decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
- c. Official Record: When a final decision is issued under Section (b) above, The town shall prepare an official record of the case that includes:

All notices, motions, and other like pleadings;

A copy of all documentary evidence introduced;

A certified transcript of all testimony taken if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.

A copy of the final decision of the town.

## APPENDIX B

### DEPOSIT POLICY

1. "The User agrees to pay a deposit as described in the rate schedule now in force or as hereinafter amended. In the event service is terminated, either voluntarily by the User, or by the town for cause, the deposit shall be held and applied to any unpaid balance owed on the User's account.
2. Should the account be fully paid at the time of termination of the service to the User, the deposit shall be refunded by the town within a reasonable period of time thereafter at the User's last known address.
3. Any existing customer who has no deposit and becomes delinquent (i.e. have not paid current bill for 30 days, or has had two or more delinquencies in any consecutive 24-month period), shall be deemed to have an unsatisfactory payment record and will be required to pay a maximum deposit to continue service.
4. A customer who has had service terminated for non-payment shall be required to pay a maximum deposit prior to reconnection to the town's utility system.
5. Deposit rate are established in the Rate and Fee Schedule.

#### General

1. Deposits are required to be paid prior to the time a connect order is issued.
2. Deposits are not transferable from one service address to another.
3. Upon termination of service, the deposit will be applied against any unpaid bills of the customer.
4. Any remaining balance will be returned to the consumer.
5. The town will not accept a letter of credit in lieu of paying a deposit.
6. Deposits shall not draw interest.

## APPENDIX C

### Water Distribution System Expansion Policy

#### Water Distribution System Expansion Policy

- 1) The Company, person or persons developing the project, hereinafter referred to as the 'Developer', and/or Developer's Engineer.
- 2) A licensed, registered Engineer must draw plans and produce specifications as per Section .0303 SUBMISSION REQUIRED BY ENGINEER AND APPLICANT of the DENR Rules Governing Public Water Systems and must meet the minimum requirements of the town.
- 3) The Developer and/or Engineer shall submit two (2) sets of preliminary plans and specifications to the town for review by the Technical Review Committee (TRC) 30 days prior to any submission to the Town Board.
- 4) Upon approval, the town will notify the Developer and/or Engineer along with an indication that the town will provide water to the proposed system, pending State of N.C. approval, satisfactory test results, Engineering Certification and final approval by the State of North Carolina.
- 5) The Developer's Engineer shall submit plans, specifications and an application from the Town of Chadbourn to the State of North Carolina for approval as per section .0302 SUBMITTALS of the DENR Rules Governing Public Water Systems.
- 6) The approved Contractor must construct all taps to the Town Mains.
- 7) The Developer shall employ a licensed, reputable utility contractor, acceptable to the town to install the water facilities proposed for dedication to the Town of Chadbourn.
- 8) The Developer's Engineer shall submit one (1) set of material submittal for the TRC in order for the town and/or the town Engineer to review them. All submittals **must** indicate approval by the Developer's Engineer. Any changes in plans or Specifications after initial approval must be again submitted for approval as per Section .0306 CHANGES IN ENGINEERING PLANS OR SPECIFICATIONS AFTER APPROVAL of the DENR Rules Governing Public Water Systems.

- 9) Before any construction can begin, the Developer must schedule a pre-construction conference with the Contractor and the town. The conference shall include, but is not limited to: the Town of Chadbourn Personnel, Engineer, Developer, Developer's Engineer, Developer's Contractor or their respective Representatives. Topics of the meeting shall include but is not limited to the following:
  - a. A discussion of the time schedule to be used for construction
  - b. The scheduling of tapping of the town's Main Lines.
  - c. Approval of the Developer's Contractor. The Developer must provide the name and phone number of the Contractor's foreman and/or contact person.
  - d. Approval of material submittals.
- 10) All permits, fees, encroachments, pavement repairs and approvals are the responsibility of the Developer. Three (3) party encroachment agreements must be used.
- 11) Periodic inspections of the installations shall be made by the Design Engineer sufficient for him or them to provide assurance of general compliance with the approved plans and specification. The Town's Personnel and/or authorized Town's Contract Personnel shall have access to the property at all times.
- 12) Upon completion of construction all installed water lines must be pressure tested in the presence of the Design Engineer or his representative along with the town's inspector.
- 13) Upon satisfactorily passing the pressure test, the lines must be super-chlorinated, flushed and a bacteriological sample taken and passing sample results submitted as per the minimum Specifications to the town. **All water for flushing will be charged** to the contractor.
- 14) The Developer's Engineer shall provide written certification to the town indicating the facilities were installed according to the approved plans and specifications.
- 15) The town shall submit the Engineer's Certification along with other required certifications to the State of North Carolina and request final approval.
- 16) The Developer's Engineer shall provide one (1) set of final 'as built' drawings to the town. These drawings must show tap location from property lines, location of individual meter boxes and other information pertinent to the water lines.
- 17) The Town's personnel shall turn the water on, and individual taps completed only after the town has received final approval from the State of North Carolina.

18) The following documents must be submitted to the Public Works Director of the Town of Chadbourn:

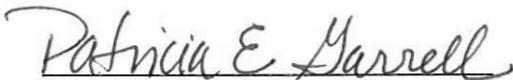
- a. Test results.
- b. Engineer's certification.
- c. One (1) sets of final 'as built' drawings and one (1) digital in AutoCAD.
- d. Legal Letter certifying no debt is owed on the water system and all materials and labor has been paid.
- e. Deed of Dedication.
- f. Letter stating monetary value of the installed water system.
- g. Any other documents pertinent to the installation and dedication of the installed water system shall be submitted to the town.

19) Upon receipt, by the town, of final approval from the State of North Carolina, all applicable fee's, deed and dedication and Board approvals, the town shall notify the Developer that services may now be installed on the lines.

20) The Developer shall warrant to the Town of Chadbourn, the materials and workmanship or the water system installation and that all equipment will operate as intended, for a period of one (1) year from the date of acceptance by the town. If for any reason any part of the system should fail due to failure of materials, workmanship or installation that part will be repaired or replaced at the Developers cost.

*Approved and Adopted by Town Council on October 6, 2015*

*Public Hearing advertised on September 24<sup>th</sup> and September 28<sup>th</sup>, 2015 with the News Reporter.*

  
Patricia E. Garrell, Town Clerk

  
Donald Ray Bass, Mayor

