

**TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND REFUSE**

**51. WATER AND SEWERS**

**52. WATER CONSERVATION AND RESTRICTION PLAN**



## CHAPTER 50: GARBAGE AND REFUSE

### Section

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- 50.04 Wet garbage
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### § 50.01 DEFINITION.

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

**GARBAGE.** All refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any matter has been put up or stored, and all rags, wastepaper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.  
(Prior Code, § 50.01)

### § 50.02 GARBAGE TO BE PROMPTLY REMOVED.

No garbage that has become decayed or that otherwise is a menace to health or cleanliness shall be allowed to remain in any dwelling house, motel, boarding house, café, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises for a longer time than is reasonably necessary to remove and deposit the same in a container as provided in this chapter.  
(Prior Code, § 50.02) Penalty, see § 10.99

### § 50.03 CONTAINERS.

(A) The occupant of every building, premises or place where garbage does or may exist shall provide himself or herself with a garbage container made of substantial galvanized iron or other non-rusting material in which he or she shall deposit all garbage at his or her place. The container shall be provided with handles or bales and with a tight fitting cover. All garbage containers shall be watertight. They shall be of a size that can be conveniently handled by the garbage collector.

(B) Collection of garbage and recyclables will be once weekly on the same day. All garbage containers, trash and recycling bins shall be placed at the curb no earlier than 3:00 p.m on the evening prior to the scheduled collection day. Containers and other receptacles must be removed from the curb by 8:00 a.m on the day after the scheduled collection day, and be removed as far as practical and out of sight, where possible, from the street by the owner or occupant of the premises. Failure to abide by this provision will result in the following penalty: Residents who place or leave their garbage containers and recycling bins at the curb in violation of this section shall receive a warning for the first offense. Second and/or future violations will result in a \$25 citation. Appeals can be made to the Town Manager or his or her designee. Containers for yard waste debris and yard waste debris/trimmings are not subject to the provisions of this chapter.

(C) All garbage containers shall be kept reasonably clean by the use of lye or other effective cleaner.

(Prior Code, § 50.03) (Ord. passed 10-9-2007; Ord. passed 3-11-2008) Penalty, see § 10.99

#### **§ 50.04 WET GARBAGE.**

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage container, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the container in winter.

(Prior Code, § 50.04) Penalty, see § 10.99

#### **§ 50.05 DEPOSIT IN PUBLIC PLACES OR ON PRIVATE PROPERTY.**

No person shall throw, place or deposit any garbage in any street, public place or private property within the town, except in garbage containers or garbage vehicles as provided in this chapter.

(Prior Code, § 50.05) Penalty, see § 10.99

## CHAPTER 51: WATER AND SEWERS

### Section

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#### ***Cross-reference:***

*Zoning Code, see Chapter 152*

## ***GENERAL PROVISIONS***

### **§ 51.01 BOARD OF COMMISSIONERS TO ESTABLISH REGULATIONS.**

The sewer and water system of the town shall be under the control of the Board of Commissioners or its authorized agent, which shall prescribe and enforce all the rules and regulations governing connections with the public sewer and water system.

(Prior Code, § 51.01) (Ord. passed 5-26-1963)

### **§ 51.02 WATER AND SEWER SUPERINTENDENT.**

The Utilities Superintendent shall supervise under the general control of the Board of Commissioners or its designee, the entire water and sewer system of the town. The Board of Commissioners may from time to time prescribe the duties and responsibilities of the Superintendent. The Superintendent or his or her assistant shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures or connections on which town water pressure is maintained.

(Prior Code, § 51.02) (Ord. passed 5-26-1963)

### **§ 51.03 DEFINITIONS.**

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

***MAIN LINE.*** The line located in the main part of the street and to which private lines are connected.

***PRIVATE LINE.*** The line running from any house or building to the street right-of-way and belonging to the owner of the premises.

(Prior Code, § 51.03) (Ord. passed 5-26-1963)

### **§ 51.04 BLOCKAGE OF MAIN LINE.**

(A) If any private line becomes plugged or stopped as a direct result of the blockage of the main line, then upon request to the Town Clerk an investigation shall be made and if the blockage resulted from blockage of the main line, then the Utilities Superintendent shall authorize an opening of the private line blocked and shall assume expense thereof.

(B) The town shall assume no responsibility or liability until after the authorization has been issued for opening of a private line.

(Prior Code, § 51.04) (Ord. passed 5-26-1963)

**§ 51.05 USE OF TOWN WATER.**

(A) No consumer shall supply or sell water to other persons, nor shall any person take or carry away water from any hydrant, watering trough or public fountain.

(B) The fire hydrants are for the use of the Fire Department in fighting fires and may not be used by any unauthorized person for any purpose without permission from the Board of Commissioners. (Prior Code, § 51.05) (Ord. passed 5-26-1963) Penalty, see § 51.99

**§ 51.06 TAMPERING WITH WATER AND SEWER LINES PROHIBITED.**

No person shall touch, tamper with or, in any manner, manipulate or turn the cut-offs on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner any water or sewer line, main or any appurtenance thereto. No person shall throw or deposit any material or substance in any water line or sewer line that will obstruct the line. (Prior Code, § 51.06) (Ord. passed 5-26-1963) Penalty, see § 51.99

**§ 51.07 PRIVATE WATER SUPPLY.**

(A) No person shall furnish or provide for profit any water from a private well or pump to any dwelling or commercial establishment that is open or used by the public unless an analysis of the water from the private well or pump has first been submitted to and approved by the Town Clerk.

(B) The water analysis referred to in division (A) above shall be made by or under the direction of the County Board of Health or the State Department of Public Health.

(C) If the water analysis is approved as provided in division (B) above, the Town Clerk shall approve the same by endorsing thereon the word “approved” and affixing his or her signature as Town Clerk. If the analysis shows that the water is contaminated and unfit for human consumption, the Town Clerk shall not approve the analysis, but shall deliver it to the Mayor and Board of Commissioners who may disapprove the analysis and return the same to its owner. (Prior Code, § 51.07) (Ord. passed 5-26-1963) Penalty, see § 51.99

**§ 51.08 WATER AND SEWER BILLS; COMPLAINTS AND ADJUSTMENTS.**

(A) Every owner of property to whom water and sewer services are supplied, wherever located, shall be liable for payment of all water and sewer services supplied to the premises according to rate schedules set by the Board of Commissioners. Bills that are not paid shall become a lien against the property.

(B) Water and sewer bills shall be paid at the Town Clerk's office by the fifteenth of the month dated thereon. A penalty of \$5 shall be charged for payments later than the fifteenth day of the month.

(C) Upon the failure of the owner to pay the amount owed for either water or sewer service, both services may be discontinued without prejudice to the right of the town to recover for the services rendered before discontinuance. A penalty of \$20 shall be charged for restoration of services discontinued as set forth above.

(D) Tap-ons to water mains are to be made by the town where distribution mains are available. Tap-on fees shall be paid before the tap is made, and deposits required shall be paid before the water is turned on.

(E) Charges for water and sewer services outside the corporate limits shall be double the rates charged within the corporate limits.

(F) Water customers owning swimming pools supplied with town water that do not empty into the sanitary sewer system shall, during the months of May through September, be exempt from sewer charges on 75% of water consumption in excess of their average consumption during the preceding January through April.  
(Prior Code, § 51.08)

(G) (1) If the consumer believes his or her bill to be in error, he or she shall present his or her claim, in person, at the town's office before the bill becomes delinquent.

(2) The claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided.

(3) The consumer may pay the bill under protest and the payment shall not prejudice his or her claim.

(4) Upon a claim received from a consumer saying that a bill is in error, the town will make special meter readings and check the water meter to ensure that the meter is working properly and that the readings listed on the bill are correct.

(5) Requests for delays or waiver of payment will not be entertained; only questions of correct and proper billing will be considered.  
(Ord. passed 5-26-1963; Ord. passed 4-12-1977; Ord. passed 7-1-1989; Ord. passed 8-14-2007)

#### **§ 51.09 WORK ON WATER AND SEWER SYSTEM TO BE BY AUTHORIZED PERSONNEL.**

All work on the water and sewer system and all connections or disconnections shall be performed by the authorized employees of the town or their representatives or plumbers approved by the town. All work shall be performed in accordance with the Plumbing Code of the town.



(Prior Code, § 51.09) (Ord. passed 5-26-1963)

**§ 51.10 TILING DRIVEWAYS.**

(A) Any property owner abutting upon a street in the town who desires to install tile in the curb line or ditches to his or her property for driveways located on the street shall purchase the tile required and the town shall install it in order to have a uniform system of drainage throughout the town. No person shall install the tile in the curb line or ditches on any street without the supervision or control of the town.

(B) All property owners responsible for any fill dirt necessary.

(Prior Code, § 51.10) (Ord. passed 5-26-1963; Ord. passed 5-13-1980) Penalty, see § 51.99

**§ 51.11 SINK FOR WASTEWATER REQUIRED WHERE FOOD SERVED OR HANDLED.**

The owner of every building designed or used for human habitation in which food is prepared or served for human consumption shall install and maintain in good condition therein a sink for the disposal of wastewater, and the sink shall be connected to the sewer line; provided that, this section shall not apply to buildings located farther than 200 feet from the nearest sewer line or to buildings which cannot be connected to a sewer line, except through the property of another person.

(Prior Code, § 51.11)

**§ 51.12 WATER CLOSETS.**

(A) *Required in buildings designed for human habitation.* The owner of every building designed for human habitation or for any other use by human beings shall install and maintain in a sanitary condition within every building at least one privately enclosed water closet of the syphon action wash down or syphon jet action pattern. All buildings designed for human habitation by more than one family unit shall be provided with a water closet for each family unit. All closets shall be of vitrified earthenware or enameled iron, and the bowls shall be designed to hold a sufficient quantity of water, then filled to the trap overflow, to prevent fouling of surfaces, and shall be provided with integral flush rims so as to flush the entire interior of the bowl. All closet seats, except in private homes and apartments, shall be of the open front type; provided that, this section shall not apply to buildings that are located farther than 200 feet from the nearest sewer line or to buildings which cannot be connected to a sewer line, except through the property of another person.

(B) *Water closets not to be operated by direct pressure from water pipes.* No person shall install or use in any building any type of water closet that is designed to be flushed by direct pressure from the water pipes except that a flushometer with a measuring device may be used if sufficient volume and pressure of water can be obtained.

(C) *Water closets prohibited in certain rooms.* No person shall install, maintain or otherwise use any water closet in an unventilated room, sleeping room or cooking or eating room of any building.

(Prior Code, § 51.12) Penalty, see § 51.99

### § 51.13 HUMAN WASTES.

No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities.

(Prior Code, § 51.13) Penalty, see § 51.99

### § 51.14 WASTEWATER FROM BUSINESSES; SAND AND GREASE TRAPS REQUIRED.

(A) *General.* All service stations and other business, for the purpose of sanitation, shall install sand and grease traps for disposal of wastewater.

(Prior Code, § 51.14)

(B) *Scope and purpose.* To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils and greases into the sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COOKING ESTABLISHMENTS.** Those establishments engaged in activities of preparing, serving or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting or poaching. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. The establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and daycare facilities where meals for more than six children are prepared, served or otherwise made available for human consumption.

**FATS, OILS AND GREASES.** Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 C.F.R. part 136, as may be amended from time to time. All are sometimes referred to herein as **GREASE** or **GREASES**.

**GREASE TRAP OR INTERCEPTOR.** An approved device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. **GREASE TRAPS AND INTERCEPTORS** are sometimes referred to herein as **GREASE INTERCEPTORS**.

**MINIMUM DESIGN CAPACITY.** The design features of a grease interceptor and its ability

or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

***NON-COOKING ESTABLISHMENTS.*** Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

***SAND TRAP.*** A device for retaining sand, silt, grit or mineral material from being discharged to the public sanitary sewer.

***USER.*** Any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution or discharge of wastewater into the public sanitary sewer, including persons who contribute the wastewater from mobile sources, such as those who discharge hauled wastewater.

(D) *Regulations.*

(1) Grease fats and oil interceptors shall be installed and maintained by users operating food cooking establishments. Grease interceptors may also be required in food non-cooking establishments and other industrial or non-domestic users when, in the opinion of the Utilities Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease, fats and oils; except that, the interceptors shall not be required for residential users. Interceptors shall be installed and maintained at the user's expense.

(2) No user shall allow any wastewater discharge concentration from the interceptor to exceed 325 milligrams per liter (EPA Method 1664) or 275 milligrams per liter (EPA Method 413) in fats, oils and greases. These limits shall be consistently maintained.

(3) All interception units (grease traps and sand traps) shall be type and capacity approved by the Building Inspector and shall be so located to be easily accessible for cleaning, inspection and wastewater effluent sampling. The interceptors shall be inspected, cleaned of grease, sludge, debris and the like and repaired as required in order to maintain minimum design capability of the interceptor, but not less often than every 30 days. This maintenance shall be performed by the user at their expense.

(4) Minimum design capability of the interceptor must be in accordance with the State Uniform Plumbing Code and provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate.

(5) Grease interceptors that are 50 pounds or larger in size must be cleaned out commercially. The grease, fats and oils removed from a grease interceptor must be put in an appropriate container and properly disposed of as solid waste or recycled commercially. Care must be taken to prevent grease, fats and oils from entering the storm water system or sanitary sewer system. No non-grease laden sources are allowed to be connected to any sewer line intended for grease interceptor service.

(6) The Public Utilities Superintendent, in his or her discretion, may grant a variance to a user as it relates to the required grease trap/interceptor cleanout requirements based upon certified documentation that the requirements of this section impose an unnecessary or unreasonable burden on the user. The Public Utilities Superintendent may rescind or modify the variance if the quantity or concentration of the user's discharge has changed or causes a detriment to the town's sewer collection system.

(7) All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All car/truck wash systems shall be required to install sand traps. The requirements of this section shall not apply to residential users.

(8) The user shall maintain a written record of interceptor maintenance for three years. All records will be available for inspection by the town at all times. The user shall submit written reports of the maintenance when requested by the town.  
(Ord. passed 8-8-2006)

### ***CONNECTION WITH WATER AND SEWER SYSTEM***

#### **§ 51.25 CONNECTION REQUIRED.**

Within 30 days after the time a water main in any street is completed and ready for use, the owner of every abutting lot where any dwelling, store, house trailer or other building which supplies water for human use is located, shall cause the building to be connected with the water main. Within 30 days after the time a sewer main in any street is completed and ready for use, if a water main has also been installed in the street, the owner of any abutting lot or lot accessible thereto where any dwelling, store, house trailer or other building is located which has improvements for human occupancy, shall cause a water closet and sink to be installed and connected with the sewer main and shall cause all other sewer facilities within the improvements to be connected with the sewer main; provided that, the owner of the premises or the person leasing or renting the lot shall be notified in writing by the town of the installation of the water main or sanitary sewer and shall be allowed 30 days after the written notice in which to connect with the water and sewer mains.

(Prior Code, § 51.25) (Ord. passed 5-26-1963) Penalty, see § 51.99

#### **§ 51.26 SEWERS, PRIVIES AND SEPTIC TANKS.**

(A) Every owner of improved property located within a reasonable distance of the sewerage system of the town shall connect with the system all plumbing fixtures and connections upon his or her property so that the contents empty into the sewer system.

(B) No outdoor privies may be hereafter constructed on or near any sewer line and the Board of Commissioners or the Health Office may require immediate abandonment of any privy.

(C) No person shall maintain or use a residence located within 300 yards of another residence that is not connected with the town sewer system, where available, or with a septic tank approved by the State Board of Health, or with a sanitary privy which complies with the requirements of the State Board of Health.

(D) No person, after having an outdoor privy condemned, shall rebuild the privy, but shall connect to the town sewerage system if available. If the connection is not available the person shall build a septic tank or outdoor privy according to the requirements of the State Board of Health.  
(Prior Code, § 51.26) (Ord. passed 5-26-1963) Penalty, see § 51.99

#### **§ 51.27 PERMIT FOR CONNECTION.**

No person shall connect with the water or sewer system of the town until he or she has applied in writing for permission to the Town Clerk. This application shall be made before any part of the drainage system of the house or other connection has been laid or constructed. The application shall be accompanied by a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus, including the location of all the fixtures, traps, ventilating pipes and the like, and shall state the name of the street and the name of the person.

(Prior Code, § 51.27) (Ord. passed 5-26-1963) Penalty, see § 51.99

#### **§ 51.28 SEPARATE CONNECTION REQUIRED FOR EACH BUILDING.**

Each individual business, residential building or structure shall install a separate water and sewer connection with the exception of accessory building, as defined in § 150.01.

(Prior Code, § 51.28) (Ord. passed 5-26-1963) Penalty, see § 51.99

***Editor's note:***

*The exception of accessory building was added by Councilmanic action.*

#### **§ 51.29 INSTALLATION OF WATER METERS.**

The following regulations shall apply to the installation of water meters and tap-ons.

(A) Each individual dwelling or business shall have a separate water supply and meter.

(B) Meters shall be installed on the road or street right-of-way at or as near as practicable to the property line. Where this installation is either inconvenient to the town or to the property owner a mutually agreed location of the meter shall be acceptable; provided, that the meter is easily accessible for periodic reading.

(C) The property owner shall specify the size of tap-on, which is the piping from a water main to the street or right-of-way or water supply he or she desires.

(D) For each tap-on the town shall supply a meter, shut-off valve, meter box for underground installation, up to four feet of pipe and two pipe fittings.

(E) In cases where one or more dwellings or businesses are supplied by a single tap-on, the property owner shall be responsible for all pipe fitting other than that which is specified in division (D) above or shall pay for the installation of a new tap-on.

(F) If a meter is out of service for any one billing period the minimum rate shall be charged to the customer.

(G) The customer will pay for the cost or repairs to meter installations where the damage was caused by the customer.

(H) No person shall bury, cover or tamper with a meter box.

(I) If a meter is relocated for a customer's convenience, he or she shall pay the cost of relocation.

(J) If a meter or tap-on must be relocated for the convenience of the town, there shall be no charge to the customer.

(K) Meters shall be read by a town employee beginning on the fifteenth of the month, and the customer shall be billed on the first of the following month.

(Prior Code, § 51.29) (Ord. passed 5-26-1963)

### **§ 51.30 WATER AND SEWER EXTENSION.**

(A) This chapter sets forth the conditions under which water and sewer service may be extended to property which is without service. It is the intent of this section to allocate, to the extent practical, the cost of extensions to those property owners served by the extensions.

(B) The planning and extension of the water and sewer system of the town shall be accomplished in accordance with the following general principles.

(1) Extension shall be made in a manner so as to promote the orderly growth of the community.

(2) An acreage charge shall be established to aid in financing new major facilities and replacement or enlargement of existing facilities. This charge shall apply uniformly to all properties to which service is extended.

(3) Each developer of land, whether subdivided or not, shall be responsible for all cost associated with the extension and installation of utilities to and within their own development, including all rights-of-way costs.

(4) All water and sewer extension plans and installations shall meet all town ordinances and specifications. The town shall be authorized to inspect at any time the installation of all water and sewer extensions which are to be connected to the town's facilities and all fees for the inspections shall be borne by the owner or developer.

(5) All water and sewer lines and appurtenances connected to the town's facilities shall be dedicated to the town and accepted by the town upon approval of the same by the Town's Engineer. The town shall be responsible for the maintenance, operation and control of all water and sewer facilities when connected to the town's systems and dedicated to the town.

(6) No water or sewer extensions or service from existing water or sewer facilities will be provided to property, either inside the city limits or within the town's extraterritorial limits, which does not conform to the requirements of the town's Planning and Zoning Board. No extension of water or sewer service will be provided until the property owner has filed a petition of voluntary annexation with the Town Manager, and the petition has been accepted by the Board of Commissioners. The Board of Commissioners reserves its right to deny any petition or request for water or sewer extension or service.

(7) No sewer extensions or service from existing sewers will be made to any property lying outside the town's extraterritorial limits. This restriction may be waived by the Board of Commissioners provided the following:

(a) The property owner has filed a petition for voluntary annexation with the Town Manager provided that the petition is legal;

(b) The petition has been accepted by the Board of Commissioners; and

(c) The property is developed in accordance with the approved plans.

(Ord. passed 8-14-2007)

### **§ 51.31 WATER AND SEWER EXTENSION OUTSIDE CORPORATE LIMITS.**

(A) No water or sewer service shall be provided to any property outside the corporate limits of the town, except upon compliance with one of the following.

(B) If the property is contiguous to the corporate limits of the town, the property owner(s) shall immediately petition for voluntary contiguous annexation of that property into the corporate limits of

the town pursuant to the requirements outlined in G.S. § 160A-31.

(C) If the property is not then contiguous to the municipal limits of the town, the property owner(s) shall petition for voluntary satellite annexation pursuant to the requirements outlined in G.S. §§ 160A-58 through 160A-58.6.

(D) The Board of Commissioners may negotiate terms for voluntary annexation of major industrial or commercial tracts which require water and/or sewer system extensions.  
(Ord. passed 8-14-2007)

### **§ 51.32 INITIATION OF EXTENSION.**

(A) Any property owner or developer desiring to have water or sanitary sewer services extended to and along any public street or other area where no water or sanitary sewer main exists shall apply to the Town Manager in writing requesting the services.

(B) The application shall contain plans and analysis in sufficient detail to enable the Town Manager to verify the adequate size of facilities necessary for the proposed extension and anticipated future growth.

(C) The town shall approve no commercial subdivision, site plan or conditional or special use permit, and no residential subdivision which proposes to be served for water and/or sewer service by the town utility systems without first receiving an application for water and/or sewer capacity allocation and all other documents, applications and studies specified in this chapter.  
(Ord. passed 8-14-2007)

### **§ 51.33 DISCRETION OF TOWN.**

(A) *Line extension.* The town may extend water and/or sewer lines inside the town in its own discretion in the following circumstances.

(B) *To alleviate health problems.* When the County Health Department certifies to the town that a health problem exists in a certain area, the town may order the extension of water and/or sewer lines if the extension will alleviate the health problem. The town may finance those extensions through the assessment of adjacent property owners in accordance with the applicable provisions of G.S. Chapter 160A pertaining to assessments for water and sewer line extensions.

(C) *To serve petition projects.* Upon receipt of a valid petition, the town may order the extension of a water and/or sewer line to serve the areas petitioned even though the property owners between the exiting water and/or sewer lines and the requested service area have not entered into the petition for water and/or sewer service. The town may finance those extensions through the assessment of adjacent property owners in accordance with the applicable provisions of G.S. Chapter 160A pertaining to assessments for water and sewer line extensions.



(D) *Greater public interest.* The Board of Commissioners may upon one letter of request for service from a property owner in a residential subdivision, or at its own discretion, authorize the construction of a water and/or sewer line where it deems the construction to be in the greater public interest and in the general public welfare. The town may finance these extensions through the same procedures set forth in § 51.34.  
(Ord. passed 8-14-2007)

#### **§ 51.34 ASSESSMENT FOR COSTS.**

(A) In accordance with the general principle that benefitted property should bear the cost of extending water and sewer lines, one or more of the following methods shall be used in providing for the extension of water and sewer lines to serve properties not located within subdivisions currently under development. Properties which are annexed by the town based upon the properties meeting the necessary standards for annexation as set forth in the General Statutes (i.e., annexation not based on a petition requesting annexation by the property owners) will have services extended to them with financing arranged by assessments as described below.

(B) Lateral water and sewer main extensions will be made by assessment of the cost thereof against property owners to be benefitted thereby in conformity with G.S. Chapter 160A, Article 10. In the event it is necessary or desirable to lay a water main larger than a six-inch main, or a sewer main larger than an eight-inch main, the town will bear the cost of the difference between the size of main required and a six-inch water main or eight-inch sewer main.

(C) Lots at the intersection of streets, except lots in a subdivision which are assessed on a per lot basis as authorized by G.S. Chapter 160A, Article 10, shall be assessed as follows.

(1) If water and sewer mains or both are installed simultaneously on both streets on which the lot abuts, assessment of the cost of the installation shall be based upon the entire frontage on one street plus the frontage on the other street in excess of 150 feet.

(2) If the lot is already served by water or sewer mains in a street on which the lot abuts and a like main is installed in the other abutting street, the cost of the new installation shall be assessed against the lot to the extent that the frontage abutting the new installation exceeds 150 feet.

(3) If water or sewer service is installed in a street abutting a corner lot, and the service is not a duplicating service, and the method of assessment used is the street frontage method, the assessment shall not exceed the number of feet of the shortest side of the lot abutting the street.

(D) Where one or more water or sewer lines traverse a lot or tract of land and the method of assessment used is the abutting footage on the improvement, the abutting footage for each lot, tract or parcel assessed according to the assessment roll shall not exceed the straight line distance between the beginning point and the ending point of the line or lines. However, upon the installation of a duplicating service to a traversed lot or tract of land, an exemption of 150 feet shall be allowed for the

duplicating service, whether it is installed separately or simultaneously with the original service.

(E) A lot not on a corner abutting two streets which has a water or sewer service in one street shall not be liable for an assessment for a duplicating service in the other street or streets if the subdivision of the lot or sale of any part thereof for an additional building site or sites is prohibited by the zoning or subdivision standard provisions of the town or any restrictive covenants running for a period of not less than five years from the date of the assessment for the installation.

(F) The term **LOT**, as used in this section, is defined as a parcel of land without regard to whether or not it is shown on any subdivision map as a separate lot and without regard to how or when acquired, except that when an assessment is made on a per lot basis in a subdivision, the term **LOT** shall apply to each separate subdivided lot. However, when a lot in a subdivision is already served by a water or sewer line and the lots in the subdivision are assessed on a per lot basis, the lot so served shall not be assessed a greater amount than the amount which would be assessed against the lot on a linear foot basis after giving credit for the exemptions contained in this section.

(G) The Board of Commissioners shall determine which method of assessment authorized by G.S. § 160A-218 would be most equitable to be used in an assessment roll.

(H) When the Board of Commissioners determines that the most equitable method of assessment is that on the basis of the frontage abutting on the project, the Board of Commissioners shall determine the amount of the construction cost to be borne by the abutting property owner and the amount to be borne by the town.

(Ord. passed 8-14-2007)

## **§ 51.99 PENALTY.**

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

(B) (1) Any person, firm or corporation violating any provisions of § 51.14 shall be subject to a civil penalty not to exceed \$100 per day.

(a) A citation for the civil penalty shall be issued by the Town Manager.

(b) Each citation for a civil penalty must be paid within a specified number of days after issuance.

(c) Each and every day that the violation continues in violation of § 51.14 shall be a separate and distinct offense.

(2) In addition to the above penalty, the violator shall be responsible for the reimbursement to the town of all expenses that the town incurs due to the violation. These expenses include, but are not limited to, equipment cost, material cost and labor cost for site remediation and cost recovery of a sanitary sewer overflow.

(3) The violator shall also be responsible for all costs associated with a public or private penalty against the town due to any violation of § 51.14.  
(Ord. passed 8-8-2006)

## **CHAPTER 52: WATER CONSERVATION AND RESTRICTION PLAN**

### Section

- 52.01 General
- 52.02 Definitions
- 52.03 Issuance of water shortage proclamation
- 52.04 Conditions deemed emergency
- 52.05 Restrictions, limitations imposed
- 52.06 Notice to general public of water shortage
- 52.07 Compliance required in the event of a water shortage
- 52.08 Compliance
- 52.09 Discontinuance of service
- 52.10 Multiple remedies
- 52.11 Severance provision
- 52.12 Application of chapter
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### **§ 52.01 GENERAL.**

Whenever the water supply of the town public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below. A water shortage shall also be declared to exist when production, transmission and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

(Ord. OR-2002-06, passed 9-10-2002)

### **§ 52.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly

indicates or requires a different meaning. The word **SHALL** is always mandatory and not merely directory.

**CUSTOMER.** A person in whose name a water connection is made and to whom a bill is issued, whether the connection is inside or outside the corporate limits of the town.

**ORC.** The operator responsible in charge. This is the head operator of the town's water system.

**PERSON.** Any person, firm, partnership, association, corporation, company, limited liability company, professional association or organization of any kind. The term **PERSON** shall also include customers.

**TOWN.** The Town of Grifton.

**WATER.** Raw or treated water from the town public water supply system.  
(Ord. OR-2002-06, passed 9-10-2002)

#### **§ 52.03 ISSUANCE OF WATER SHORTAGE PROCLAMATION.**

In the event of an existing or threatening state of emergency endangering the safety, health or welfare of the people of the town, or threatening damage or destruction of property, arising from the shortage or threatened shortage of water, the Mayor, with the recommendation of the ORC, is hereby authorized and empowered to issue a public proclamation declaring the existence of the state of emergency, and to define and impose appropriate prohibitions and restrictions resulting from the water shortage, applicable to all persons using the town water system in order to meet the exigencies of the predetermined state of emergency.

(Ord. OR-2002-06, passed 9-10-2002)

#### **§ 52.04 CONDITIONS DEEMED EMERGENCY.**

(A) A state of emergency shall be deemed to exist whenever, in the opinion of the Mayor, the availability and supply of water is critical so that a mechanical malfunction or failure of the town's deep well pumps or a rapid draw down of the water supply would so deplete the water supply and availability of water as to threaten or cause to threaten the availability of water for human consumption, for firefighting purposes and other protection of lives and property, and the conservation of water is necessary in order to protect lives, safety and property within the town.

(B) This includes, but is not limited to, conditions as follows; drought, falling water levels of the Black Creek Aquifer or elevated storage tanks, seasonal or otherwise high water consumption, limited capabilities of the water production and distribution system, poor outlook for precipitation, failure or incapacitation of one or more wells, one or more elevated water storage tanks or one or more water lines.

(Ord. OR-2002-06, passed 9-10-2002)

## **§ 52.05 RESTRICTIONS, LIMITATIONS IMPOSED.**

(A) The Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of the state of emergency.

(B) The proclamation may specify the authorized uses of water within the town and may place limitations, prohibitions and restrictions upon the usage of water for residential, business and commercial uses. The proclamation may limit the use of water for non-crucial uses including, but not limited to, the watering of lawns, washing of automobiles and similar activities and may be expanded thereafter to include other activities.

(C) The proclamation will use predetermined stages of water restrictions found in § 52.08. (Ord. OR-2002-06, passed 9-10-2002)

## **§ 52.06 NOTICE TO GENERAL PUBLIC OF WATER SHORTAGE.**

(A) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the town water supply threatening the health and safety of the citizens, the Mayor of the town is authorized and empowered, after communication to the Board of Commissioners, to give notice to the general public of the existence of the state and the severity thereof. In order to protect the health and safety of the people supplied water by the town, the Mayor may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective 24 hours following the press announcement and the signing of the order.

(B) Once a stage of water restriction is declared, the operator in responsible charge of the water system shall review the status of the town system at least every day. A declared stage shall remain in effect for a minimum of 30 days; provided, however, that, if conditions as listed in §§ 52.04 or 52.07 warrant, a more restrictive level may be enacted immediately. At the end of 30 days, and following the periodic review, the operator in responsible charge shall notify the Mayor when there is no longer a shortage or threat of shortage to the town's water supply.

(C) In addition to the other powers contained in this chapter, the Mayor, when notified by the operator in responsible charge that there is a serious and immediate threat to the town water system because of reduced water quality, treatment capacity, treated supply recovery time or other imminent condition, may temporarily impose restrictions on automated and manual sprinkling. The restrictions may include, among others, limitations on methods of sprinkling, the hours and days and whether the sprinkling may occur at all. In that event, the notice provisions contained in division (A) above shall apply and the enforcement provisions of §§ 52.08 through 52.12 shall be applicable. The Mayor may terminate, by written notice, the restrictions when the threat has abated. Any violation of this division (C) by a residential user shall be treated as a Stage II violation for the purpose of imposing civil penalties.

(Ord. OR-2002-06, passed 9-10-2002)

**§ 52.07 COMPLIANCE REQUIRED IN THE EVENT OF A WATER SHORTAGE.**

(A) In the event the Mayor issues the notice described in § 52.06, it shall be unlawful for any person to use or permit the use of water from the water system of the town for any of the purposes hereinafter set forth until such time as this chapter is amended or repealed, or until the Mayor has declared the provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: the water level of the Black Creek Aquifer, water levels in the elevated storage tanks, capabilities of the water production and distribution system, draw down rates, outlook for precipitation, daily water use patterns, seasonal and long-term weather patterns, and availability of water from other sources, including the town wells and the emergency interconnection with the Town of Ayden.

(B) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.

(C) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.

(D) The following shall apply, at all times, to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens and other outside irrigation systems.

(1) By 1-1-2003, all sprinkler systems equipped with a timer shall be equipped with rain sensors as approved by the Town Public Utilities Department. Rain sensors shall be activated to prevent the system from operating while rain is falling.

(2) It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.

(3) Any violation of this section by a residential user shall be treated as a Stage II violation for the purpose of imposing civil penalties.

(E) The severity of the water shortages shall be determined primarily by the Mayor from the recommendation by the operator responsible in charge. The restrictive measures in effect at each stage are as follows.

(1) *Stage I Water Restriction Alert.* In the event water levels of the Black Creek Aquifer do not conform to seasonal expectations as determined by the operator in responsible charge using the criteria set out in §§ 52.04 through 52.07, or daily water demand is approaching system capacity, the Water System ORC shall notify the Mayor. Upon the notification the Mayor shall declare a Stage I Water Conservation Alert. After complying with those notice provisions contained in § 52.06, the

following voluntary water restrictions shall be requested.

(a) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:

1. Inspect and repair all faulty and defective parts of faucets and toilets;
2. Use shower for bathing rather than bathtub and limit shower to no more than five minutes;
3. Do not leave faucets running while shaving, rinsing dishes or brushing teeth;
4. Limit use of clothes washers and dishwashers and when used, operate fully loaded;
5. Limit lawn watering to that necessary for plant survival, one inch of water per week including rainfall;
6. Water shrubbery the minimum required, reusing household water when possible;
7. Limit vehicle washing;
8. Do not wash down outside areas such as sidewalks, patios, driveways and the like;
9. Install water flow restrictions in showerheads, faucet aerators and other water saving devices;
10. Use disposable and biodegradable dishes where possible;
11. Limit hours of water-cooled air conditioners; and
12. Do not fill swimming or wading pools.

(b) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect the operation of fixtures, equipment, public safety or health devices.

(c) Conservation in public buildings, institutions and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restricting devices.

(d) Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources.

(2) *Stage II Water Shortage Warning.*

(a) In the event the previous voluntary restrictions are not sufficient to eliminate



reductions in water supply reserves and the water system ORC, using those criteria set out in §§ 52.04 through 52.07, determines that the town's water system is at or near capacity, the water system ORC shall so notify the Mayor. Upon the notification the Mayor shall declare a Stage II Water Shortage Warning to exist. After complying with those notice provisions contained in § 52.06, the following mandatory water restrictions shall be imposed. It shall be unlawful to:

1. Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees or flowers except by a hand held hose, container or drip irrigation system; provided, however, that, a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade;
2. Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected;
3. Wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment; except that, parts of vehicles may be washed where required by federal, state or local laws or for safety reasons; provided, however, that, any commercial or business operated car wash facility shall be permitted to use water for those purposes;
4. Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted; provided, further, licensed commercial pressure washers shall be permitted to operate;
5. Operate or introduce water into any ornamental fountain, pool or pond or other structure making similar use of water;
6. Serve drinking water in restaurants, cafeterias or other food establishments, except as requested;
7. Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or Water Resources Department need;
8. Use water for dust control or compaction; and
9. Use water for any unnecessary purpose or intentionally wastewater.

(b) It is the responsibility of the owner or occupant of any land or building who receives water from the town and also uses water from a well or other supply to post a sign thereon, in a conspicuous place, furnished at no cost by the town giving notice of the use of well or other sources of supply.

(c) All industrial, manufacturing and commercial enterprises, and all customers with swimming and wading pools, shall reduce consumption to any degree feasible with a goal of a

reduction of at least 10% of their usual usage.

(3) *Stage III Water Shortage Danger.*

(a) In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water system ORC, using those criteria set out in §§ 52.04 through 52.07, determines that the town's water system is over capacity, the water system ORC shall so notify the Mayor. Upon the notification the Mayor shall declare a Stage III Water Shortage Warning to exist. After complying with those notice provisions contained in § 52.06, the following mandatory water restrictions, in addition to those imposed in Stage II, shall be imposed. It shall be unlawful to:

1. Water or sprinkle any lawn, grass, shrubbery, trees or flowers except from a watering can or other container not exceeding three gallons in capacity with used wash water from inside a structure; except that, shrubbery, trees or flowers planted within the last 120 days may be watered by hand-held hose. It is the owner's responsibility to provide a receipt for proof of planting date; provided, however, that, a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. State, county and town licensed landscape contractors may continue to water plantings, under written warranty, by hand-held hose, container or drip irrigation;
2. Water any vegetable garden except by hand-held hose, container or drip/irrigation system;
3. Fill or refill any single-family swimming or wading pool;
4. Make any nonessential use of water for commercial or public use; and
5. Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by 10% of their average usage during the corresponding billing period for the most recent 12-month period, ending June 30, in which no Stage of this chapter was in effect. If no meter readings are recorded or otherwise available for a customer's billing period, an average of similar users will be established for the customer by the water system ORC. The customers include governmental, commercial, industrial, institutional, public, social, multi-family and all other such users.
  - a. It is the primary responsibility of each nonresidential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
  - b. Each customer shall provide access to town personnel for the purposes of meter reading and monitoring of compliance with this chapter.
  - c. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances,

the customer may apply to the Mayor, or his or her designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.

d. Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess use water rates.

i. Excess use water rates will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five times the normal rate.

ii. Any monies collected through excess use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

iii. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

(b) All industrial, manufacturing and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least 15% of their average usage as compared with their usage during the corresponding billing period for the most recent 12-month period ending June 30, in which no stage of this chapter was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where the washing is required by federal, state or local laws, or for health or safety reasons.

(4) *Stage IV Water Shortage Crisis.* In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the water system ORC, using those criteria set out in §§ 52.04 through 52.07, determines that the town's water system is over capacity, the water system ORC shall so notify the Mayor. Upon the notification, the Mayor shall declare a Stage IV Water Shortage Warning to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least 20% of their average usage. After complying with those notice provisions contained in § 52.06, the following mandatory water restrictions, in addition to those imposed in Stage II and III, shall be imposed. It shall be unlawful to:

(a) Use water outside a structure for any use other than emergencies involving fire or as needed by the water plant ORC to maintain the system, except that flowers, plants and shrubs may be watered from a watering can or other container not exceeding three gallons in capacity with used wash water from inside a structure;

(b) Operate an evaporative air conditioning unit that recycles water, except during the operating hours of the business;

(c) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state or local laws, or for health or safety;

(d) Exceed the following water usage mandate. All nonresidential customers shall reduce their water usage by 20% of their average usage during the corresponding billing period for the most recent 12-month period, ending June 30, in which no stage of this chapter was in effect; except that water may not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the water plant ORC.

1. It is the primary responsibility of each nonresidential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.
2. Each customer shall provide access to town personnel for the purpose of reading and monitoring of compliance with this chapter.
3. If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Mayor, or his or her designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.
4. Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess use water rates.
  - a. Excess use water rates will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten times the normal rate.
  - b. Any monies collected through excess use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
  - c. Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
5. Make any new service connections to the town water system, except for public and other schools satisfying the compulsory education requirements of the laws of the state, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the state.  
(Ord. OR-2002-06, passed 9-10-2002)

## **§ 52.08 COMPLIANCE.**

Compliance with the provisions of this chapter shall be enforced by personnel of the Public Utilities Department, the Police Department, the Town Manager, and other personnel as designated by the Mayor. Failure to comply with any of the regulations of this chapter shall be unlawful and a violation of the chapter and all remedies authorized by law for noncompliance with the chapter, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid the water restrictions.  
(Ord. OR-2002-06, passed 9-10-2002) Penalty, see § 52.99

#### **§ 52.09 DISCONTINUANCE OF SERVICE.**

(A) The Mayor shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this chapter during a Stage II, Stage III or Stage IV water shortage period. Prior to the termination, or restriction, of water supply, the Mayor shall give at least two working days written notice of intent to terminate or restrict. Within the two days, the person, upon petition to the Mayor, or his or her designee, may be heard as to why the termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service that is provided solely for lawn and shrubbery sprinkler systems, swimming pools or other non-essential uses.

(B) When a water service has been discontinued, or turned off, it shall be unlawful to reactivate the service without the permission of the Mayor during a Stage II, Stage III or Stage IV water shortage period.  
(Ord. OR-2002-06, passed 9-10-2002) Penalty, see § 52.99

#### **§ 52.10 MULTIPLE REMEDIES.**

The town may seek to enforce this chapter through any appropriate equitable or legal action or through any combination of the remedies set forth in this chapter.  
(Ord. OR-2002-06, passed 9-10-2002)

#### **§ 52.11 SEVERANCE PROVISION.**

If any section, division, clause or provision of this chapter shall be judged invalid, the adjudication shall apply only to the section, division, clause or provision so adjudged, and the remainder of this chapter shall be declared valid and effective.  
(Ord. OR-2002-06, passed 9-10-2002)

#### **§ 52.12 APPLICATION OF CHAPTER.**

The provisions of this chapter shall apply to all persons using water from the town water supply.

This includes, but is not limited to, persons both in and outside the town, and persons using water with or without an application for water service with the town.

(Ord. OR-2002-06, passed 9-10-2002)

### **§ 52.13 TERMINATION OF DECLARED EMERGENCY.**

Termination of any stage of the emergency provisions of this chapter shall be determined by the Mayor when he or she finds that the water supply of the town water system is no longer so low as to constitute a water emergency. Upon termination of any emergency declared under this chapter, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon the termination discontinued users may have their service restored upon payment of the regular cut-on fees, except for those users cut off without notice.

(Ord. OR-2002-06, passed 9-10-2002)

### **§ 52.99 PENALTY.**

(A) (1) *Residential users.* Any residential user who shall violate any provision of this chapter shall be subject to civil penalties. Civil penalties for a violation of Stage II and III mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of \$100 for the second offense; a civil penalty in the amount of \$250 for the third and successive offenses. In Stage IV, there shall be no warnings given for violations by residential users of the mandatory restrictions of this stage and the penalties shall be \$100 for the first offense, \$250 for the second offense and successive offenses.

(2) *Nonresidential users.* Any nonresidential customer, who violates any provision of this chapter, shall be subject to a civil penalty, except as provided in division (A)(4) below. Civil penalties for a violation of any mandatory restriction of any stage of this chapter shall be as follows: a civil penalty of \$250 for the first violation; a civil penalty of \$500 for the second violation; and a civil penalty of \$1,000 for the third and successive offenses.

(3) *Accumulation of violations.* Violations shall be accumulated by all customers so long as this chapter, in any of its stages, is continuously in effect and until no stage of this chapter has been in effect for a period of one calendar year. Violations of any of the mandatory restrictions of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if the move or cessation had not occurred.

(4) *Civil penalties for excessive water use.* Excessive use water rates imposed upon users by Stages III and IV shall constitute the sole monetary penalty for the excessive use. Other violations by the users shall be subject to the civil penalties set out herein. Other enforcement procedures shall apply to the users for excessive use and other violations.

(B) Each day's continuing violation of this chapter shall be a separate and distinct criminal and

civil offense. Each violation of the chapter shall be a separate offense even if occurring on the same day.

(Ord. OR-2002-06, passed 9-10-2002)