

## CHAPTER 6

### MUNICIPAL UTILITIES

#### ARTICLE I. GENERAL AUTHORITY AND CONTROL

##### **Section 6-1 Authority.**

The Town of Hertford, by virtue of authority granted by its Charter and the General Statutes of North Carolina, is authorized and empowered to acquire, provide, construct, establish, maintain, and operate water, sewerage, and electric systems for the Town and to extend those systems beyond the Town boundaries. In accordance with this authority, there are hereby created a water system, a sanitary sewer system, and an electric system for the Town of Hertford.

##### **Section 6-2 Management and control of utilities.**

The water system, sanitary sewer system, and electric system of the Town of Hertford shall be under the control of the Board of Commissioners for the Town of Hertford. The system shall be regulated and operated as the Board of Commissioners shall ordain and direct. The Board of Commissioners shall appoint a qualified person or outside firm, who shall be known as the Administrator, to supervise the operation and regulation of the system, under the direction of the Board of Commissioners. The title and duties of the Administrator may be assigned to an employee of the Town in addition to his or her other duties.

Connection to the Town's water and/or sewer system is prohibited for facilities that are within any areas that are; classified as Jurisdictional Freshwater Wetlands, in a Federal Emergency Management (FEMA) designated 100 year floodplain, or is a habitat for endangered or threatened species. Applicants must provide sufficient information from appropriate agencies that none of the development served by water and/or sewer will be in the restricted areas as defined above.

##### **Section 6-3 Pertinent provisions part of contracts.**

All pertinent provisions of this Chapter are hereby made a part of the terms and conditions whereby the Town shall furnish water, sewer, or electric service to any consumer, or whereby the Town makes any water, sewer, or electric connections or performs any work of any kind in connection with the furnishing of such services.

##### **Section 6-4 Tampering with water, sewer or electric system prohibited.**

No unauthorized person may manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, electric meter, electric line, or appurtenance or other part of the water, sewer, or electric system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system.

## **ARTICLE II. WATER SYSTEM**

### **Section 6-5 Property required to be connected to water system.**

It shall be mandatory that all residences, buildings or other structures which are used for human habitation or occupancy or for business purposes located within the Town shall be connected to the water system.

A person owning a dwelling, building, or other structure which is used for human habitation or occupancy or for business purposes may retain or have a well on their premises provided it is not connected in any way to allow a flow into the Town water system and further provided the water is not disposed of into the sanitary sewer system.

### **Section 6-6 Permit required for connection.**

No person shall make or have any connection to the water system until they have received a permit to do so and paid the appropriate fees as required by this article.

### **Section 6-7 Application for connection.**

Applications for water connections shall be made at the Municipal Building during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for the payment of the bills, shall be signed by the customer or his authorized agent. Every application for connection shall be accompanied by the fees specified in Section 6-11.

### **Section 6-8 Costs to be borne by owner**

All cost and expense incident to the connection of the building water on the Owner's property shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the connection of the building water. Any connection into the public water shall be made by the Town, for which the Owner shall pay the Town a standard water tap fee and impact fee as defined in section 6-11.

### **Section 6-9 Only authorized persons to make connections.**

All connections to the water system shall be made by authorized employees of the Town in accordance with specifications for such connections that may be adopted by the Town. When and if authorized by the utilities superintendent and the Town manager, connections may be made by a master plumber or a utility contractor licensed to perform in the state.

By making application for service, the customer agrees that the Town possesses the right to inspect and accept or reject the private water distribution systems and water connections before they are connected to the Town water system. The Town shall be given notice to inspect before the pipes are covered and the systems are connected.

It shall be mandatory that the Town be given 24 hours notice of intended connection.

**Section 6-10 Notice to Town**

The applicant for the building water permit shall notify the Town when the building water is ready for inspection and connection to the public water system.

**Section 6-11 Impact fees and tap fees.**

An impact fee and tap fee will be charged for all connections to the water system which shall be paid in full prior to the connection being made.

When there is an expansion to an existing connection, there shall be an additional tap and impact charge based on the difference between the old tap size and the new tap size.

The purpose of these fees is to recover the cost incurred by the Town for the normal installation of water and sewer service lines and associated appurtenances. Installations that are out of the ordinary such that they create expenses beyond the normal fees will be charged according to actual time and material.

|    |                       |                |
|----|-----------------------|----------------|
| 1. | <u>Water Tap Size</u> | <u>Tap Fee</u> |
| a. | ¾ inch                | \$1,000        |
| b. | 1 inch                | \$1,200        |
| c. | 1 ½ inch              | \$1,500        |
| d. | 2 inch                | \$2,250        |
| e. | 4 inch                | \$2,750        |
| f. | 6 inch                | \$3,250*       |
| g. | 8 inch                | \$3,750*       |
| h. | 10 inch               | \$4,375*       |
| l. | 12 inch               | \$5,000*       |

\*These sizes do not include the cost of the meter and/or vault. Meters & vaults shall be charged based on actual costs plus ten percent.

|    |                        |                |
|----|------------------------|----------------|
| 2. | <u>Sewer Tap Size:</u> | <u>Tap Fee</u> |
| a. | 4 inch                 | \$1,000        |
| b. | 6 inch                 | \$1,200        |
| c. | 8 inch                 | \$3,750        |
| d. | 10 inch                | \$4,375        |
| e. | 12 inch                | \$5,000        |

Water/Sewer Service Fee or Impact Fee:

The purpose of this fee is to provide funds for the future upgrade of distribution lines, water supply, water treatment, gravity sewer mains, pump stations, and the wastewater treatment plant. The fee is based on recovery of no more than the future cost of the projects.

This fee shall be in addition to other fees including, but not limited to, any tap fee, security deposit, and monthly minimum.

This fee shall not apply if there presently exists a sewer tap to a sanitary sewer allowed by the Town code in combination where there is no change to existing water tap size to serve the new construction.

This fee shall not apply to water taps dedicated to fire suppression systems.

By adoption of this fee schedule, Council recognizes that in the future it may enter agreements with persons to share in the costs to extend sewer lines to land proposed for construction. Nothing in this fee schedule shall preclude the completion of those agreements.

Capacity fees will be due before a Zoning Permit is issued.

1. Residential single family and multi-family fee.

- a. \$4,000 per dwelling unit for sewer
- b. \$4,000 per dwelling unit for water

2. Commercial, industrial, and institutional fee. A fee for water and sewer shall be based upon the size of the water tap as follows:

| <u>Water Tap Size</u> | <u>Water Fee</u> | <u>Sewer Fee</u> |
|-----------------------|------------------|------------------|
| ¾ inch                | \$4,000          | \$4,000          |
| 1 inch                | \$6,750          | \$6,750          |
| 1 ½ inch              | \$13,500         | \$13,500         |
| 2 inch                | \$21,500         | \$21,500         |
| 4 inch                | \$67,000         | \$67,000         |
| 6 inch                | \$135,000        | \$135,000        |

3. Resort Hotel/Motel Fee.

- a. \$4,000 per room for sewer
- b. \$4,000 per room for water

## Laboratory and Consultation Fees

The purpose of these fees are to recover the cost of performing standard water and wastewater laboratory analysis and system consultation for area water area water users.

1. Laboratory Analysis
  - a) Chlorine Residual \$18.00 per sample
  - b) Ammonia \$18.00 per sample
  - c) Coliform Bacteria \$30.00 per sample
  - d) Heterotrophic Plate Count \$36.00 per sample
  - e) Total Trihalomethane \$48.00 per sample
  - f) Lead & Copper \$36.00 per sample
  - g) Asbestos \$180.00 per sample
  - h) BOD, 5 day \$30.00 per sample
  - i) TSS \$18.00 per sample
  - j) Ammonia-Nitrogen \$22.00 per sample
  - k) Fecal Coliform \$26.00 per sample
  - l) Conductivity \$18.00 per sample
  - m) Temperature \$14.00 per sample
  - n) DO \$20.00 per sample
  
2. Consultation Fees
  - a) \$50.00 per hour- Routine compliance and/or routine sampling operation & maintenance.
  - b) \$60.00 per hour - ORC/State reporting/on-site inspections
  
3. Special Services - These fees shall include, but not limited to, lechate disposal, washdown water, septic tank pumpage, and recreational vehicles.
  - a) \$20.00 per 1,000 gallons
  - b) Lechate acceptance fees are determined after an analysis of the lechate is evaluated for specific pollutants.
  - c) Individual lechate disposal and washdown water agreements shall be required for each facility utilizing the Town's wastewater facilities.

### **Section 6-12 Separate connection required.**

Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately connected.

### **Section 6-13 Separate meters required.**

Each building, house, dwelling unit, or commercial unit shall be metered separately. However, apartments or other multi-use or multi-occupancy buildings may have one combined connection.

### **Section 6-14 Connections and meters to remain property of the Town.**

All meters, meter boxes, pipes and other equipment furnished and used by the Town in making any water connection shall be and remain the property of the Town.

**Section 6-15 Maintenance of meters.**

All meters shall be maintained by the Town, provided that all meters furnished by particular users shall be maintained by the Town at the expense of the particular users.

**Section 6-16 Deposit required prior to turning on water supply: purpose; refunds.**

Prior to turning on the supply of water from a Town main to any property which is connected thereto, the consumer of water for such property shall deposit with the water and sewer department the sum of \$25.00.

This deposit must be made before the water is turned on.

Deposits as required by this section shall be applied to the water and sewer service bills that become delinquent; and no deposit shall be refunded until the service is discontinued except as allowed for with electric deposits where a good payment record can be established, and then only to the extent of any surplus over any unpaid service bills to become due.

A separate deposit shall be required for each water meter. No interest will be paid on the deposit.

**Section 6-17 Unauthorized turning on of water after shut off by Town.**

No unauthorized person may:

1. Supply or sell water from the Town system to other persons or carry away water from any hydrant, public water fountain, or other such public outlet without specific authorization from the Town;
2. Manipulate, tamper with, or harm in any manner whatsoever any waterline, sewer line, main, or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;
3. Tamper with the water meter so as to alter the true reading for the amount of water consumed and sewage discharged;
4. It shall be unlawful for any person to turn on the water supply to any premises from which the water has been shut off by the Town except by authority of the Town;
5. Attach or cause to be attached any connection to the water line before the water meter.

**Section 6-18 Connection from outside Town.**

No connection of any water line or system outside of the Town shall be made to the Town water system without special permission of the utilities superintendent and Town manager, on such terms as the Board of Commissioners shall prescribe.

**Section 6-19 Water rates and charges.**

The rates for water furnished through the Town water system to property owners and consumers within the Town limits shall be as follows:

|  |         |
|--|---------|
| Minimum monthly charges is:            | \$21.05 |
| Per 1,000 gallon rate for all gallons: | \$ 4.75 |

**Section 6-20 Connection when water not returned to the wastewater treatment system.**

A water customer may request to have a separate meter installed whose sole purpose and function is to provide water for landscaping, docks, etc., where the water is not returned to the wastewater treatment system. The location, piping, etc., must be approved by the utilities superintendent. The customer shall pay the tap fee and impact fee for the meter as defined in section 6-11, make the deposit as required by section 6-16, and will be billed for water only at the appropriate rate as defined in section 6-19. There will be no charge for sewer.

In the event of a water shortage for whatever cause, the board of commissioners may suspend the use of existing and new meters for landscaping. If the suspension is temporary, the meters will be locked. If the suspension is long-term or permanent, the meters will be removed. There will be no refund or rebate of connection fees in the event of the long-term or permanent suspension of service. Customers are to be advised when they apply for service that continued long-term water availability is not guaranteed and there will be no refunds or rebates.

**Section 6-21 Water and sewer accounts: delinquencies; cutoff for nonpayment.**

Bills are mailed out on or about the 25<sup>th</sup> of each month.

A bill is past due if not paid by 5:00 p.m. on the 10<sup>th</sup> of the following month. A penalty will be assessed on all past due accounts.

An overdue notice will sent immediately following the 10<sup>th</sup> of the month. If the account is not paid by the Disconnection Date stated on the overdue notice, the water service shall be shut off from such property or premises until the account is paid in full. No further notice will be given prior to disconnection of the water service. A disconnection fee of \$10.00 shall be applied to the account.

When the owner, consumer, occupant or person in charge of the property pays such delinquent water and sewer account in full and pays an additional reconnection charge of \$15.00, the water to such premises shall be reconnected.

## **Section 6-22 Adjustment of bills due to a leak.**

The Town of Hertford offers to all residential and business customers a credit due to a leak in the customer's water system. This credit will only be offered under the following conditions:

1. The customer must submit a written request for a leak credit and explain what leaked, where it leaked, and any other relevant factors. Proof of a leak and its repair must be provided in the form of a plumbing bill or receipts for the purchase of supplies (if repaired by the customer).
2. The Town will determine that the meter reading is accurate and that a leak is not apparent by examining the leak detector on the meter.
3. The water leak must not have occurred as a result of a willful or negligent act on the part of the customer.
4. No credits will be issued for leaks caused by contractors or companies breaking the customer's water lines or other appurtenances on the customer's premises.
5. The amount of normal water usage will be determined by averaging the last 12 months of water usage.
6. For indoor leaks where the water entered into the sewer system, no credit will be given for the water or sewer charges.
7. For outdoor leaks or leaks where the water did not enter into the sewer system, a credit will be given for the sewer charge above normal usage. .
8. Credits will be limited to two consecutive billing periods
9. The customer, in accepting the credit will not be allowed another credit, for any reason, for 12 months following the credited bill.

The Town will allow the customer to spread the amount due for water and sewer charges, if they exceed \$100, over a period of four (4) months in equal payments.



### **Section 6-23 Swimming pool sewer credit.**

The Town will allow water and sewer customers to receive a credit for the sewer portion of their bill for water used in swimming pools where the water does not enter the Hertford wastewater collection system. This credit will be allowed under the following conditions:

1. A customer will be given one (1) annual adjustment of the sewer portion of their utility bill upon a written request from the customer stating the time and amount of water used toward the filling or maintenance of a swimming pool. The credit amount will be limited to one billing period and will be calculated as the amount in excess of the 12 month average water usage.
2. A customer can have a swimming pool filled from the fire hydrant by the Town employees at a charge of \$50.00 plus the cost of the water used based on the rates in section 6-17. A hydrant meter will be used to determine the amount of water used in calculating the sewer credit.

### **Section 6-24 Rejection of permit application**

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

1. Service is not available under the standard rate.
2. The cost of the service is excessive.
3. The provision of service to the applicant will adversely affect the supply of water.
4. Other good and sufficient reasons.

The Town may also reject an application for service if there is an outstanding amount due the Town for water or sewer service in the applicant's name.

A lessee making an initial application for service to his leased dwelling shall not be refused service by the Town solely because of an outstanding amount owed the Town by another customer for service previously furnished to that same address.

### **Section 6-25 Alteration of system requires permit**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water or appurtenances thereof without first obtaining a written permit from the Town.

### **Section 6-26 — 6-50 Reserved**

## **ARTICLE III SANITARY SEWER SYSTEM**

### DIVISION 1. GENERAL PROVISIONS

#### **Section 6-51 Purpose**

This article sets forth uniform requirements for direct and indirect contributions into the wastewater collection and treatment system for the Town of Hertford; hereafter referred to as the Town, and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations (40 CFR, Part 403).

This ordinance is gender neutral and the masculine gender shall include the feminine and vice-versa. ‘Shall’ is mandatory; ‘may’ is permissive or 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.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

1. BOD - Biochemical Oxygen Demand
2. CFR - Code of Federal Regulations
3. COD - Chemical Oxygen Demand
4. EPA - The United States Environmental Protection Agency
5. gpd-Gallons per day
6. l -Liter
7. mg - Milligrams
8. mg/l - Milligrams per liter
9. NC Gen. Statute. - North Carolina General Statutes
10. NPDES - National Pollution Discharge Elimination System
  - a) & M - Operation and Maintenance
11. POTW - Publicly-Owned Treatment Works
12. RCRA - Resource Conservation and Recovery Act
13. SIC - Standard Industrial Classification
14. SWDA - Solid Waste Disposal Act
15. TSS - Total Suspended Solids
16. TKN - Total Kjeldahl Nitrogen
17. U.S.C. - United States Code.

The objectives of this article are to:

1. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
3. To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
4. To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
5. To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
6. To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

This article provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This article shall apply to all users within the Town and to persons outside the Town who are users of the Town's publicly owned treatment works, whether by contract or agreement with the local government.

## Section 6-52 Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance. Wherever a statute or regulation is cited, all subsequent amendments to and enactment's of said statute or regulation are incorporated by reference.

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.
2. Approval Authority. The Director of the Division Of Environmental Management of the North Carolina Department of Environment and Natural Resources or his designee.
3. Authorized Representative of the Industrial User.
  - a) If the industrial user is a corporation, authorized representative shall mean:
    - 1) The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
    - 2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b) If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
  - c) If the industrial user is a Federal, State or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - d) The individuals described in paragraphs 1 and 2 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g. mg/l).

5. Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW (Public Owned Treatment Works).
6. Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.
7. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
8. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
9. Grab Sample. A sample that is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.
10. Holding Tank Waste. Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
11. Indirect Discharge or Discharge. The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
12. Industrial User or User. Any person that is a source of indirect discharge.
13. Interference. The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. §6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
14. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
15. National Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 - 471.
16. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 6-53 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

17. New Source.

- a) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307 (c), provided that:
  - 1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c) For purposes of this definition, construction of a new source has commenced if the owner or operator has:
  - 1) Begun, or caused to begin, as part of a continuous on-site construction program:
    - a) Any placement, assembly, or installation of facilities or equipment; or
    - b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - 2) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

18. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
19. National Pollution Discharge Elimination System, or NPDES, Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342), or pursuant to NC Gen. Statute. § 143-215.1 by the State under delegation from EPA.
20. Non-discharge Permit. A disposal system permit issued by the State pursuant to NC Gen. Statute. § 143-215.1.
21. Pass Through. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or Non-discharge Permit, or a downstream water quality standard.
22. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
23. pH. A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
24. Pollutant. Any "waste" as defined in NC Gen. Statute. § 143-213(18) and any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, Medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and any agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
25. POTW Director. The Town of Hertford Administrator, appointed by the Town Board of Commissioners pursuant to Section 6-2.
26. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
27. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
28. Pretreatment Program. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the Town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by NC Gen. Statute. § 143-215.3(a)(14) in accordance with 40 CFR 403.11.

29. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.
30. Pretreatment Standards. Prohibited discharge standards, categorical standards, and local limits.
31. Publicly Owned Treatment Works (POTW) or Municipal Wastewater System. A treatment works as defined by section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, or in any other way, users of the Town's POTW.
32. Severe Property Damage. Substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
33. Significant Industrial User. Any industrial user of the wastewater disposal system who (i) has an average daily process wastewater flow of 25,000 gallons or more, or (ii) contributes more than 5 % of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or (iii) is required to meet a National categorical pretreatment standard, or (iv) is found by the Town, the Division Of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
34. Significant Noncompliance or Reportable Noncompliance.

A status of noncompliance defined as follows:

- a) Violations of wastewater discharge limits.
  - 1) Chronic violations. Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.
  - 2) Technical Review Criteria (TRC) violations. Thirty-three percent or more of the measurements are more than the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:
    - a) For conventional pollutants: BOD, TSS, fats, oil and grease, TRC = 1.4
    - b) For all other pollutants, TRC = 1.2



- 3) Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.
  - 4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- b) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
  - c) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
  - d) Failure to accurately report noncompliance.
  - e) Any other violation or group of violations that the control authority considers to be significant.
35. Slug Load. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in section 6-78 of this ordinance.
36. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
37. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
38. Superintendent. The person designated by the Town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.
39. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
40. Town. The Town of Hertford.
41. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

42. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.
43. Wastewater Permit. As set forth in section 6-54 of this ordinance.
44. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

## DIVISION 2. USE OF PUBLIC SEWERS

### **Section 6-53 Use of public sewers required**

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Town of Hertford or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the Town of Hertford, or in any area under the jurisdiction of said Town, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within thirty (30) days after date of official notice to do so; provided, that said public sewer is within two hundred (200) feet of the property line and can be reached by gravity flow.

### **Section 6-54 Permit for connection required**

No person shall make or have any connection to the sewer system until they have received a permit to do so and paid the appropriate fees as required by this article.

### **Section 6-55 Application for service connections**

Applications for sewer service connections shall be made at the Municipal Building during normal business hours. Application shall be made on the forms prescribed, shall be made in the name of the customer who will be responsible for the payment of the bills, and shall be signed by the customer or by his authorized agent. The fees specified in Section 6-11 shall accompany every application for connection.

### **Section 6-56 Costs to be borne by owner**

All cost and expense incident to the connection of the building sewer on the Owner's property shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. Any connection into the public sewer shall be made by the Town, for which the Owner shall pay the Town a standard sewer tap fee and impact fee as defined in section 6-11.

### **Section 6-57 Rejection of permit application**

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

1. Service is not available under the standard rate.
2. The cost of the service is excessive.
3. The provision of service to the applicant will adversely affect the Town's sewage treatment capabilities.
4. Other good and sufficient reasons.

The Town may also reject an application for service if there is an outstanding amount due the Town for water or sewer service in the applicant's name.

A lessee making an initial application for service to his leased dwelling shall not be refused service by the Town solely because of an outstanding amount owed the Town by another customer for service previously furnished to that same address.

### **Section 6-58 Only authorized persons to make connection**

All connections to the sewer system shall be made by authorized employees of the Town in accordance with specifications for such connections that may be adopted by the Town. When and if authorized by the utilities superintendent and the Town manager, connections may be made by a master plumber or contractor licensed to perform in the state.

By making application for service, the customer agrees that the Town possesses the right to inspect and accept or reject the private sewage collection systems and sewer connections before they are connected to the Town sewer system. The Town shall be given notice to inspect before the pipes are covered and the systems are connected.

It shall be mandatory that the Town be given 24 hours notice of intended connection.

### **Section 6-59 Alteration of system requires permit**

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

### **Section 6-60 Independent sewer for each building; exception**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, when approved by the Town.

### **Section 6-61 Old building sewers**

No old sewers will be accepted. The approving authority may waive this requirement after the condition of the sewer has been thoroughly inspected by same.

### **Section 6-62 Minimum standards of sewer**

The building sewer shall, in all cases, meet the minimum standards of the State of North Carolina Plumbing and Building Codes and be installed in accordance with all applicable OSHA requirements. Joints shall be watertight. Any part of the building sewer that is located within 10 feet of a water service shall be constructed of ferrous metal pipe with joints equivalent to water main standards. Ductile iron with mechanical joints may be required by the Town where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of ductile iron or cast iron pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Town.

Where there are multiple buildings or structures situated on one lot and where the lot owner desires to have a common water connection, and a common sewer connection, he must meet the following requirements:

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

**Section 6-63 Size and slope of sewer**

The size and slope of the building sewer shall be subject to the approval of the Town; but in no event shall the diameter be less than four (4) inches. The slope of such 4-inch pipe shall not be less than one-eighth (1/8) inch per foot.

**Section 6-64 Grades for sewers**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three (3) feet of, any load bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

**Section 6-65 Building drains**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

**Section 6-66 Excavation and backfill**

All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Town. Backfill shall not be performed until the work has been inspected by the Utilities Superintendent.

**Section 6-67 Angle of connection**

The connection of the building sewer into the public sewer shall be made at an angle of approximately 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight. Special fittings may be used for the connection only when approved by the Town.

**Section 6-68 Notice to Town**

The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer.

## **Section 6-69 Private sewage disposal**

Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Health Sanitarian. The application for such permit shall be made on a form furnished by the County, which the applicant shall supplement by any permit and inspection fee, plans, specifications, and other information as are deemed necessary by the Sanitarian, or County regulations.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Sanitarian. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Sanitarian when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Sanitarian.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the North Carolina Department of Environment and Natural Resources, Division of Environmental Management. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet.

No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 6-53, a direct connection shall be made to the public sewer in compliance with this Ordinance at the first malfunction of the private system. At this time, any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

In addition to the other requirements of this Section, all owners of lots on which private sewage systems are situated shall maintain such systems properly. Failure to maintain the systems properly shall constitute a nuisance which may be abated using the procedures of this Ordinance. However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of sewer service poses an immediate threat to public health, the Town may summarily abate the nuisance and bill the lot owner for all costs incurred by the Town.

No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Sanitarian.

### **Section 6-70 Extensions of service to in-Town property; general policy**

The Town recognizes its basic responsibility to provide water and sewer service to all properties within the corporate limits on a nondiscriminatory basis and, subject to the availability of funds, to extend its service lines to all such properties unless it is unreasonable to do so. The Town may determine that an extension of service is unreasonable for the following reasons:

1. The cost of service extension is excessive in terms of the number of customers to be serviced or because of topographical, engineering, technical, or other problems.
2. The provision of service will adversely affect the supply of water to other customers or will adversely affect the Town's sewage treatment capabilities.
3. Other good and sufficient reasons.

### **Section 6-71 Extensions to developed property within the Town**

The planning and extensions of the water and sewer systems of the Town of Hertford shall be accomplished in accordance with the following general principles.

1. Extensions shall be made in a manner so as to promote the orderly growth to the Town of Hertford and its surrounding environs.
2. A front foot charge shall be established to aid in financing the extension of sewage collection facilities and water mains and such charge shall be levied as a special assessment. This charge shall apply uniformly to all properties within the corporate limits of the Town of Hertford to which water and/or sewer service is extended after the effective date of this ordinance, excepting those statutory exemptions established by chapter 160A, Article 10 of the General Statutes of the State of North Carolina and/or any exemptions set forth by this Article.
3. The Town shall be responsible for the inspection, maintenance, operation, and control of all water and sewerage facilities.

BASIC POLICY. Water and/or sewerage service facilities shall be extended under the expressed consent of the Town Council of the Town of Hertford. All extensions shall be financed using special assessments levied upon those properties benefiting from such improvements. The rate of the assessment levied shall represent two-thirds (66.6%) of the total cost of the extension. The remaining one third (33.3%) of the total cost of the extension shall be borne by the Town of Hertford.

#### Exceptions.

This article of the Town of Hertford's Water and Sewer Extension Policy shall not apply to any land covered by an extension agreement between the developer or property owner and the Town council where such agreement was arrived at, dated, and recorded in the minutes of the Town council before the effective date of this ordinance, including but not limited to final plats of subdivisions as approved under the then current subdivision review procedures of the Town of Hertford. Where any such agreement expressly sets forth that subsequent phases of development are within the purview of the original agreement this article shall be held not to apply to such subsequent phases of development.



### Extensions

Extensions within the corporate limits may be entered into either upon the request of property owners not served by the present system or upon the Town council finding that such extensions are necessary to address current needs or the demand of future development.

Within the corporate limits the Town may require under the authority granted by General Statute 160A-317, that owners of improved property connect their premises with the water and/or sewer system.

### Assessments: Method of Authorization. Eligible Costs

In designating special assessments as the method of financing water and sewer extensions, the Town of Hertford shall follow the procedures established by Chapter 160A, Article 10 of the General Statutes of the State of North Carolina.

All projects costs incurred in the construction of water and/or sewer extensions shall be considered in setting the amount of the levy. Such costs may include costs of rights-of-way, legal expenses incurred and any interest paid during construction in addition to the project costs let to bid or performed by municipal construction forces.

### Assessments: Basis of Computation

There shall be levied against any abutting property a charge representing two-thirds (33.3%) of those costs incurred in installing water and/or sewer extensions along the frontage of that property regardless of category of use.

In case of corner lots of any category use, seventy-five percent (75%) of the shortest side or 150 feet of the shortest side, whichever is greatest, shall be exempted from front foot assessment.

### Assessments: Resolutions. Assessment Rolls

In all cases where extensions are to be made to the Town of Hertford's water and /or sewer facilities, all resolutions and the public hearings required for the same shall be scheduled and conducted according to Chapter 160A, Article 10 of the General Statutes of North Carolina.

The preparation and publication of all assessment rolls involved in the financing of water and/or sewer extensions shall be consistent with the statutory requirements of Chapter 160A, Article 10 of the General Statutes of North Carolina.

### Assessments: Collection. Enforcement

Within 30 days after the publication of notice that the assessment roll has been confirmed, the owners of the assessed property shall either pay their assessment in cash or enter into an installment payment agreement with the Town of Hertford. In such cases where the owner of the assessed property chooses to pay the levy in installments, the first installments shall become due and payable September 1 of the year in which the assessment roll is published and one subsequent installment and interest shall be due and payable on the same date of the month in each successive year until the assessment is paid in full. The amount of the principal to be paid in each annual installment shall not be less than one-seventh (1/7) of the original assessment. The payment of the original assessment and any interest accumulated on any balance outstanding after the cash payment date at a rate of eight percent (8%) per annum shall be paid in full within 7 years of the first annual installment date. All installments shall be made to the Town of Hertford through the Town Clerk. The failure of any property owner to meet any annual installment as set forth above gives the Town of Hertford the right to declare all installments and interest due and payable.

When special assessments are made against property that is or about to be subdivided, the Town council may, with the consent of the owner of the property, apportion the assessment among the lots or tracts to

be benefited by the project that lie within said subdivision. Such apportionment action and its affect upon the original assessment and lien and the official recording of such action shall follow those procedures established by Section 160A-236 of the General Statutes of North Carolina.

Specifications: Ownership

Any water mains or sanitary sewer mains extended under the provisions of this Article shall be installed and constructed in accordance with the approved plan, specifications, and requirements of the Town of Hertford. All facilities installed under the provisions of this Article shall become the sole property of the Town of Hertford and under its jurisdiction and control for any and all purposes what so ever at the time such facilities are connected to the Town systems.

**Section 6-72 In-Town extensions within new subdivisions**

As indicated in Section 6-70, the Town recognizes its responsibility to extend its water and sewer lines to properties within the Town. However, the responsibility for extending water and sewer lines within new subdivisions or within other new developments lies with the subdivider or developer, although the Town may in its discretion contract with the subdivider or developer to install such water and sewer lines.

The cost of extending water or sewer lines within new subdivisions or other new developments shall generally be borne by the subdivider or developer. However, if the Town requires lines within a subdivision or other new development that are larger than those necessary to serve the project and are located so as to serve other properties, the Town shall reimburse the developer for any additional costs incurred as a result of installing such oversized lines. Such reimbursement shall be paid at the time the lines are connected to the Town's system.

**Section 6-73 Extensions within extraterritorial area**

The planning and extension of the water and sewer systems of the Town of Hertford shall be accomplished in accordance with the following general principles.

1. Extensions shall be made in a manner so as to promote the orderly growth of the Town of Hertford and its surrounding environs.
2. A water and sewer acreage charge and a front foot charge shall be established to aid in the financing of new major sewage collection facilities and major water mains. Those charges shall apply uniformly to all properties within the Town of Hertford's extraterritorial area to which service is extended after the effective date of this ordinance, excepting those statutory exemptions established by Chapter 160A, Article 10 of the General Statutes of the State of North Carolina and/or any exemptions set forth by this Article.
3. The Town shall be responsible for the maintenance, operation, and control of all water and sewerage facilities.

BASIC POLICY. Each developer of land shall be responsible for providing water and sewer line connections and all necessary pump stations, lift stations and fire hydrants between his property and an approved public water and/or sewerage disposal system. The developer shall be reimbursed for that portion of the cost of such installation which is in excess of an acreage charge, said reimbursement to come from acreage charges and/or front foot charges levied against property developed subsequent to the installation of his connection and utilizing said improvements.

#### Extensions

Any property owner, owners, or developer desiring to have water or sanitary sewer services extended to and along any public street or other public way where no water or sanitary sewer main exists shall apply in writing to the Town council requesting such water and/or sewer service. Said application shall contain plans in sufficient detail in order to allow the Town council to determine the adequate size facilities necessary for the proposed extension.

Upon approval of the preliminary extension plans by the Town council, the property owner or developer shall be responsible for providing water and sewer line connections together with all approved pump stations, lift stations, and fire hydrants between the owner's property and an approved water and/or sewer system. All contracts for the installation of water and sewer lines shall be subject to the inspection and approval of the Town of Hertford by and through the Town manager and shall be made in accordance with specifications promulgated by the Town of Hertford.

If any owner or developer installing said water improvements enters into a reimbursement agreement with the Town of Hertford, said owner or developer shall be entitled to reimbursement for the cost of the extension in accordance with this Article.

#### Extension Charges

In addition to all other charges prescribed now or hereafter, acreage charges shall be made against the total acreage within each lot or tract within the Town of Hertford's extraterritorial area in which water and sewer service is extended after the effective date of this ordinance. The water and sewer charges shall be collected by the Town before permission is granted to connect water and sewer lines serving any property with water and sewer facilities of the Town. The schedule of charges shall be as follows:

1. There shall be a charge for connecting with the sewer system of the Town of Three Hundred Fifty Dollars (\$350) per gross acre for all classes of property to be served by such connection.
2. There shall be a charge for connection with the water system of the Town of Two Hundred Fifty Dollars (\$250) per gross acre for all classes of property to be served by such connection.
3. A property owner whose property abuts a water or sewer line installed under the reimbursement plan and from which a service connection is made must pay a front foot fee in addition to the acreage fee above. The front foot fee shall represent one-half (1/2) of the total linear foot costs incurred in installing water and/or sewer extensions along the frontage of the subject property. (For eligible costs, refer to Section 6-72, paragraph two.

4. The total acreage charge for any tract or lot on which there is but one residential dwelling unit shall not exceed the charge for two acres nor be less than the charge for one-half (1/2) acre. Provided in cases covered by this provision, the owner shall designate the two acres against which the charge is to be credited and the acreage charge against any remaining acreage shall be made when service is extended to any structure thereon.
5. The total front foot fee for any tract or lot on which there is but one residential dwelling unit shall not exceed the fee charged for four hundred (400) feet of frontage nor be less than that charged for two hundred (200) feet of frontage. Provided in cases covered by this provision, the owner shall designate the frontage against which these fees are to be credited and the front fee against any remaining frontage will be made when service is extended to any structure thereon.
6. The owner of a tract of land, which is to be developed in phases, may pay the acreage charge for each phase prior to beginning construction of that particular phase.
7. Gross acre, as herein used, is defined to include the entire area of a subdivision without exception as to areas included within streets, alleys, private parks, lakes, or ponds or otherwise; provided, however, that public parks, lake, and recreational areas actually accepted by the Town for public use and actually conveyed to the Town by recorded deed shall be excluded when computing gross acreage. With respect to lots situated upon streets or roads not existing, the term gross acre shall not include any land falling within the dedicated right-of-way of any abutting street or streets.
8. Provided, that acreage fees for public schools shall be limited as follows:
  - a) Elementary Schools: Pay fee for a maximum of four acres.
  - b) Junior High Schools: Pay fee for a maximum of seven acres.
  - c) Senior High Schools: Pay fee for a maximum for ten acres.
9. Provided, that if any land so subject to the provisions of this section is ever conveyed to a grantee other than a school board or other local government agency providing services to the public to the public at large, it shall be subject to the then applicable acreage fee without limitation when additional water and/or sewer capacity is required.
10. Provided, further, that no acreage charges shall be imposed upon the following conditions:
  - a) Land lying in totality within the corporate limits of the Town of Hertford on the effective date of this ordinance.
  - b) Any land covered by a recorded agreement between the developer and the Town of Hertford arrived at, dated, and recorded in the minutes of the Town council before the effective date of this ordinance, including but not limited to final plats of subdivisions as approved under then current subdivision review procedures of the Town of Hertford.

- c) Land lying within specified boundaries which has Town approved water and/or sewer plans on or before the date of adoption, provided that such water and sewer plan is completed within eighteen (18) months from the effective date of this ordinance.
- d) Property which is actually tapped onto the Town water and sewer system and which is actually using such system as of the effective date of this ordinance.
- e) Any usable water or sewer line in existence, adjacent to or within property to be connected with said system, which was in place prior to the effective date of this ordinance. (A usable utility line does not include outfalls or water mains where direct service taps are not permitted.)
- f) Any other areas for which separates water and sewer contracts have been made between the Town and developers and/or property owners prior to the effective date of this ordinance.

Specification: Ownership

Any water mains or sanitary sewer mains extended under the provisions of this Article shall be installed and constructed in accordance with the approved plans, specifications, and requirements of the Town of Hertford. All facilities installed under the provisions of this Article, whether within or outside the corporate limits of the Town, shall become the sole property of the Town of Hertford and under its jurisdiction and control for any and all purposes whatsoever at the time such facilities are connected to the Town systems. In addition, all deed to the Town for water or sewer facilities which are located outside the corporate limits, the cost of which is borne by any individual property owners, shall be executed prior to the time any extensions provided for in this Article are connected to the Town systems.

**Section 6-74 Extensions made by other than Town personnel**

All additions to the Town's water or sewer system by other than Town personnel, whether inside or outside the Town, shall be performed in accordance with the provisions of this chapter as well as all other applicable Town specifications and requirements. These include, but are not limited to, specifications governing the size of all lines, their location, grade, materials used, manner of installation, and provision for future extensions.

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

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

To protect street surfaces, the Town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals shall be extended to all properties expected to tap on to such water or sewer lines.

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

#### **Section 6-75 Inspection by Town of work done by others**

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

1. Halt work until approved supervision is obtained and the work done in accordance with Town specifications and requirements; or
2. Provide constant inspection by Town personnel at the expense of the applicant. Inspection of a project by the Town does not consist of or imply supervision. The person requesting the extension is solely responsible for ensuring that the project is completed according to Town specifications (if the work is not done by Town personnel), and may be required to bring the project into conformity with such specifications and requirements, including correction of work already performed.

#### **Section 6-76 Dedication of water and sewer line extensions**

1. All water and sewer mains constructed and connected with the facilities of the Town pursuant to this section shall be conveyed to and become the property of the Town upon completion and acceptance by the Town. Connection to the system and acceptance by the Town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.
2. Following dedication as provided in subsection (1), the Town shall have exclusive control of all water or sewer lines and shall be responsible for their maintenance, repair, and operations. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of twelve (12) months from the date of completion and acceptance of the project, including all incidental damages as may arise from such claims.

#### **Section 6-77 Prohibited Activities**

No unauthorized person may:

1. Supply or sell water from the Town system to other persons or carry away water from any hydrant, public water fountain, or other such public outlet without specific authorization from the Town;
2. Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system;

3. Tamper with the water meter so as to alter the true reading for the amount of water consumed and sewage discharged;
4. Attach or cause to be attached any connection to the water line on the Town side of the water meter.

### **Section 6-78 Prohibited discharge standards**

1. **General Prohibitions.** No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.
2. **Specific Prohibitions.** No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
  - a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
  - b) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one half inch (1/2") in any dimension.
  - c) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
  - d) Any wastewater having a pH less than 5.0 or more than 12.5, or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
  - e) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.) in sufficient quantity (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
  - f) Any wastewater having a temperature greater than 150°F (55°C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which infuses the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
  - g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
  - h) Any trucked or hauled pollutants, except at discharge points designated by the POTW Director in accordance with section 6-84 of this ordinance.
  - i) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- j) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- k) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- l) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the POTW Director in compliance with applicable State or Federal regulations.
- m) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW Director.
- n) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- o) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- p) Any medical wastes, except as specifically authorized by the POTW Director in a wastewater discharge permit.
- q) Any material containing ammonia, ammonia salts, or other chelating agents, which will produce metallic complexes that interfere with the municipal wastewater system.
- r) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer, except as may be specifically authorized by the POTW Director.
- s) Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B.0200.
- t) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- u) Recognizable portions of the human or animal anatomy.



- v) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- w) At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
- x) Any substance discharged in a quantity that would cause any portion of the POTW to be hydraulically overloaded.
- y) Waste from garbage shredders and grinders shall not be acceptable for discharge into a Town sewer, except:
  - 1) Wastes generated in preparation of food nominally consumed on the premises; or
  - 2) Where the user has obtained a permit for that specific use from the Town, and agrees to undertake whatever self-monitoring is required to enable the Town to determine the waste constituents and characteristics and applicable fees and charges.
 

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the Town sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.
- z) No persons shall discharge any substances directly into a manhole or other opening in a Town sewer other than through an approved building sewer, unless he has been issued a permit by the Town. If a permit is issued for such a direct discharge, the User shall pay the applicable charges and fees and shall meet such other conditions necessary to properly treat this discharge as required by the Town.
- aa) No person shall discharge any holding tank waste, including by definition, but not limited to, pumpings from septic tanks into a Town sewer, unless he has been issued a permit by the Town. Unless otherwise allowed by the Town under the terms and conditions of this permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of the discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a Town sewer, the User shall pay the applicable charges and fees and shall meet such other conditions necessary to properly treat this discharge as required by the Town. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational motor home holding tanks, provided that such discharges are made into a Town approved facility designed to receive such wastes.

Monitoring facilities for holding type wastes such as those described in the preceding paragraph shall be provided by the User when in the exclusive judgment of the Town they are deemed reasonably necessary for monitoring purposes.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the Utilities Superintendent determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the Utilities Director shall: 1) advise the user(s) of the potential impact of the contribution on the POTW ; and 2) take appropriate actions for such user to protect the POTW from interference or pass through.

### **Section 6-79 National categorical pretreatment standards**

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-71, which are specifically incorporated herein.

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW Director shall impose an alternate limit, using the combined waste streams formula in 40 CFR 403.6(e).
3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### **Section 6-80 Prohibition of storm drainage, groundwater and wastewater**

Stormwater, groundwater, rain water, street drainage, and subsurface, roof or yard drainage shall not be discharged through direct or indirect connection to a Town sewer. Remediated groundwater may discharge through direct connection by permit only. Sanitary wastewater shall not be discharged into the storm sewer system, without exception

### **Section 6-81 Prohibition of unpolluted water**

Unpolluted water, including but not limited to, cooling water, process water, or blow-down water from cooling towers or evaporation coolers shall not be discharged through direct or indirect connection to a Town sanitary sewer; however unpolluted water may be discharged, when approved by the Town, into a storm sewer system.

### **Section 6-82 Limitations on radioactive wastes**

No person shall discharge or cause to discharge any radioactive waste into a Town sewer except:

1. When the person is authorized to use radioactive materials by the State Department of Environment and Natural Resources, Division of Environmental Management or other government agencies empowered to regulate the use of radioactive materials;
2. When the waste is discharged in strict conformity with the current state radiation control and Atomic Energy Commission (AEC) regulations and recommendations for safe disposal;
3. When the person is in compliance with all lawful rules and regulations of all other applicable agencies having jurisdiction;
4. When several users are discharging radioactive wastes or materials to the public sewer, they shall, upon notification, cooperate in limiting the release of the material and shall file with the Town a statement of their pro-rata discharges.

If this is not done within a reasonable time after notifications, sewer use may be discontinued by the Town.

### **Section 6-83 Limitations on wastewater strength**

In order that the biological treatment process is not subjected to unacceptable levels of toxic wastes and so that the process can function properly to meet state and federal standards, it shall be unlawful for any person to discharge into the Town's sanitary sewer system, wastewater that exceed the design parameters of the sanitary sewer system. The Town reserves the right to sample without notice any wastewater discharge it believes to be detrimental to the operation of the sanitary sewer system. Should the results of the sample indicate that the discharge exceeds the design parameters of the sanitary sewer system, the Town reserves the right to:

1. Assess fees in addition to the normal sewer charges for the costs associated with treatment beyond the design parameters.
2. Require the user to install at his expense on-site pretreatment apparatus which would contain the discharge within the sanitary sewer system design parameters.
3. Suspend wastewater service until the user causes his discharge to meet the sanitary sewer system design parameters.

#### **Section 6-84 Schedule of charges and fees**

The Town through its board of commissioners, shall adopt a schedule of charges and fees designed to cover the wastewater system costs including operation, maintenance and replacement, and which will enable the Town to comply with the revenue requirements of the state Clean Water Grant Program and Public Law 92-500.

The schedule of charges and fees shall provide a user charge system whereby each user which discharge pollutants to the sewer system, or causes an increase in the cost of managing the effluent or sludge from the treatment works shall pay for such increased costs.

#### **Section 6-85 Types of charges and fees**

The charges and fees established in the Town's schedules of charges and fees, may include, but not be limited to:

1. Impact fees
2. Connection or tap fees
3. Fees for extra monitoring, i.e., that which requires costs above the average cost of assessing an average or representative analysis
4. Fees for permit application (include regular monitor charges on permit).
5. Appeal fees.
6. Charges and fees based on wastewater constituents and characteristics.
7. Industrial waste surcharges
8. User charge payments
9. Security deposits.

**Section 6-86 Wastewater rates and charges**

The board of commissioners shall review, at least annually, the Town’s charges, fees and sanitary sewer user charge system, and shall revise each periodically, as needed, to reflect the actual costs and expenses of the system, including actual treatment working operation, maintenance, and debt service. The rates for wastewater collection and treatment services provided to property owners and consumers located within the Town limits shall be determined as follows:

1. Fixed charge. There shall be a fixed charge for each user which is a minimum monthly sewer charge. No volume allowance is incorporated into this minimum charge.
2. Variable charge. There shall be a variable rate per each 1,000 gallons of metered water consumption for each user. Calculations shall be prorated for actual gallons of water consumed.
3. Multiple users. All multiple users served by bulk or single water meters shall be charged as single users.
4. Rates. The sanitary sewer system charge shall be as follows:

|  |         |
|--|---------|
| Minimum monthly charges:               | \$28.25 |
| Per 1,000 gallon rate for all gallons: | \$ 7.90 |

5. Rates for outside of Town limits.

|  |         |
|--|---------|
| Minimum monthly charge:                | \$31.56 |
| Per 1,000 gallon rate for all gallons: | \$ 5.25 |

**Section 6-87 Security Deposits.**

Users should review section 6-17 for security deposits required for each water meter. If service is for sewer only, the deposit requirements are as delineated in section 6-17.

**Section 6-88 Access to premises.**

Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing Town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection within the Town’s service or facilities. Application for service shall constitute consent by the customer to access his premises for these purposes.

**Section 6-89 Impact fee and tap fee.**

There shall be a impact fee and a tap fee for each and every new connection to the sanitary sewer system, which shall be paid in full prior to the tap being made. These fees are listed in section 6-11 and are based on the size of the tap.

**Section 6-90 Operation and maintenance of extraneous flows.**

In order to cover the costs of operations and maintenance for all flows not directly attributable to users (i.e. infiltration/inflow), the Town shall provide that these costs be distributed among all users in the same manner that it distributes the costs for their actual use.

**Section 6-91 Financial management.**

In order to provide for sound fiscal management of the Town's sanitary sewage treatment and collection system, the Town, through its board of commissioners, shall provide for a separate accounting of all revenues and expenditures associated with the operations, maintenance and replacement of the system.

**Section 6-92 Inconsistent agreements.**

The Town's wastewater charges and fees system as set forth in section 6-85 of this article shall have precedence over any previous terms, condition or contracts which are inconsistent with the requirements of section 2.04(1)(A) of the Clean Water Act (PL92-500) and Federal Register Section 40 CFR25.2140(9).

**Section 6-93 Adjustments of bills.**

Adjustments of bills due to a leak are allowed as set forth in section 6-22.

**Section 6-94 Duties of user upon unlawful discharges.**

Any user who discharges wastes in violation of this article shall, upon discovery thereof, immediately notify the Town so that necessary countermeasures may be taken to minimize the damage to the Town sewer system, treatment facilities, treatment processes and receiving system. The user shall immediately correct the source of the violation. In addition, such user shall, within 15 days of such occurrence, deliver to the Town a written detailed report describing the cause of such discharge and the measures taken or to be taken to prevent a reoccurrence in the future.

Any user who has an accidental discharge which violated this article and who gives notice and the report provided for in the preceding paragraph shall be relieved from any civil or criminal penalties unless the violations continue or reoccur. In no case shall the user be relieved from liability to the Town for any expenses, loss or damage to the Town's sewer system, treatment facility, treatment processes or receiving system, nor from liability for any fines imposed upon the Town by the State Department of Natural Resources and Community Development, Division of Environmental Management, under the provisions of G. S. 143-215.6, or the Environmental Protection Agency, under any applicable federal law or regulations, or the county nor from termination of service, suspension or revocation of any discharge permit or injunctive relief if the measures taken or to be taken to prevent a reoccurrence are not adequate.

**Section 6-95 Termination or interruption of services by Town.**

1. The Town, through the designated administrator of this article, may terminate service at any time to enforce any of the provisions of this article including the following reasons:
  - a) Refusal by the customer to pay in full an account that remains delinquent as described in section 6-21;
  - b) Prevention of fraud or abuse by a customer;
  - c) Failure of the customer to comply within any of the provisions of this article.
2. The Town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:
  - a) Emergency repairs;
  - b) Insufficient supply or treatment capacity;
  - c) Strike, riot, flood, accident, act of God, or any other unavoidable cause.

The Town shall make a good faith effort to notify affected customers before service is discontinued or interrupted. However, the customer, by making application for service, agrees to hold the Town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above mentioned causes.

The Town shall have the absolute right to terminate service prior to notice and/or any hearing for any violation of section 6-78 or the occurrence of conditions set forth in subsection (a) of this section. If service is disconnected as the result of violations of section 6-78 or the occurrence of conditions set forth in subsection (a) of this section, the Town shall make good faith efforts as soon as possible following the termination to mail a notice of the action to the address of the customers account informing the customer;

1. That the Town has terminated service as the result of a violation or the occurrence of conditions which violation or occurrence of conditions shall be specified.
2. What actions the customer may take to have service restored.
3. That the customer is entitled to be heard by a designed employee at a specified address or telephone number during stated business hours if there is any question about the accuracy or legitimacy of the reason stated for the termination. Any hearing may be held by phone or, at the request of the customer, the customer may meet in person at the Town hall on that date and time scheduled by the Town manager within seven days from the date of the customer's request for a hearing. The hearing shall be conducted informally and the customer shall be given every reasonable opportunity to bring to the attention information that bears upon the reasons for which termination has taken place.

4. Upon any termination of services as provided herein, it shall be unlawful for any person other than a duly authorized agent or employee of the Town to do any act that results in the resumption of service.
5. Before service shall be reinstated, the customer shall be required to correct any violation that has occurred which resulted in the termination of service and to make restitution to the Town for any damages that have been incurred as the result of the violation and to remit any charge for service reinstatement as required by the Town.

**Section 6-96 Procedure for service termination and reinstatement.**

Water and sewer service termination shall be effected by the customer service technician and the utility department superintendent.

When service is terminated, discontinued or interrupted for any reason it shall be unlawful for any person other than a duly authorized agent or employee of the Town to do any act that results in the resumption of service.

A charge for service reinstatement shall be made pursuant to a schedule of rates and charges adopted by the Town board.

**Section 6-97 Termination at customer's request.**

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

The customer shall be responsible for all water consumed and for prorated service up to the time service is terminated, or until one day following receipt of the request for termination, whichever occurs sooner.

When all charges for service are paid in full, the customer's deposit shall be refunded.

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



## **Section 6-98 Responsibility for maintenance and repair of services.**

### **New Services:**

After adoption of this ordinance, all new sanitary sewer connections shall provide for a clean-out to be located at the property line or 75 feet from the main sewer line, whichever is less. Renewal or repair of sewer service from the clean-out to the main line shall be made at the expense of the town and renewal or repair from the clean-out to the building shall be at the expense of the abutting property owner, agent, consumer or occupant.

### **Existing Services:**

Following adoption of this ordinance the abutting property owner, agent, consumer or occupant who is served with sewer service by the town shall have the option after said date to install, at his own expense, a clean-out to be located at the property line or 75 feet from the main sewer line, whichever is less. After a clean-out has been installed, renewal or repair of sewer service from the clean-out to the main line shall be at the expense of the town and renewal or repair of the clean-out to the building shall be at the expense of the abutting property owner, agent, consumer or occupant.

Whenever any service to any building or premises without a clean-out becomes clogged, broken, out of order or in any condition detrimental to the use of the sewer service, the owner, agent, consumer or occupant having charge of such building or premises shall be held responsible for the immediate removal or repair of the sewer service from the building to the main necessary to maintain an uninterrupted sanitary disposal system. Renewal or repair of sewer services from the main line to the property line shall be made at the expense of the abutting property owner, agent, consumer or occupant until a clean-out is installed.

Whenever any repair work is performed as required by this section, such work shall be performed only by a licensed contractor or plumber authorized to perform such work by the town and shall be subject to supervision and inspection by the water and sewer superintendent or the employee the town designated for that purpose.

## **Section 6-99 — 6-125 Reserved**

## **ARTICLE IV. ELECTRIC LIGHT AND POWER SYSTEM**

### **Section 6-126 Superintendent**

The Board of Commissioners shall appoint a Superintendent of the Electric Light and Power System who shall have operational control of the System under the general supervision of the Board.

### **Section 2-127 Customer Service Guidelines.**

The Board of Commissioners shall establish the Customer Service Guidelines Ordinance which shall provide uniformity of service for the power system customers. The Customer Service Guidelines although published separate from this article are considered a part of this article.

### **Section 6-128 Electric Rates**

The rates and charges for electric power shall be those rates and charges as may from time to time be established by the Board of Commissioners. (See current Schedule of rates on file in the office of the Clerk or Superintendent.)

### **Section 6-129 Moving of Buildings**

The cost of moving and replacing any Town electric lines for the purpose of moving buildings shall be paid by the owner of the building being moved.

### **Section 6-130 – 6-150 Reserved.**

## **ARTICLE V STREET IMPROVEMENTS WITHIN CORPORATE LIMITS**

### **Section 6-151 Policy Statement: Improvements Within Corporate Limits**

The planning and construction of street improvements within the Town of Hertford shall be accomplished in accordance with the following general principles.

1. Improvements shall be made in a manner so as to promote the orderly growth of the Town of Hertford and its surrounding environs.
2. A front foot charge shall be established to aid in financing street improvements in such cases where a petition is presented to Town Council requesting street improvements signed by a majority of the property owners representing a majority of the property frontage of the lands abutting the street to be improved. Such charge shall be levied as a special assessment. This charge shall apply uniformly to all property abutting the street to be improved after the effective date of this ordinance, excepting those statutory exemptions established by Chapter 160A, Article 10 of the General Statutes of the State of North Carolina (G.S.), and/or any exemptions set forth by this Article.
3. Street improvements not petitioned for by the abutting property owners, as set forth in (2) above, shall be paid for by the Town of Hertford, excepting such situations as set forth by this Article or other regulations of the Town where such improvements are to be put in by the person owning the butting property.
4. The Town shall be responsible for the inspection, maintenance, operation and control of all streets improved under this Article.

#### **BASIC POLICY.**

Streets shall be improved only under the expressed consent of the Town Council of the Town of Hertford. All improvements installed under a petition which is sufficient under Section 2 above and G.S. 160A-217 shall be financed using special assessments levied upon those properties benefiting from such improvements. The rate of the assessment levied shall represent one-half (50%) of the total cost of the improvements, excluding the costs of improvements made at street intersections. The remaining one-half (50%) of due total costs of the improvements and the costs of improvements made at street intersections shall be borne by the Town of Hertford.

All costs of improvements not entered into under a petition sufficient under Section 2 above and 160A-217 shall be borne by the Town of Hertford, except where other provisions are established either by this Article or other regulations of the Town of Hertford.

#### **EXCEPTIONS.**

This Article of the Town of Hertford's Street Improvements Policy shall not apply to any land covered by a street improvement agreement between the developer (s) or property owner (s) and the Town Council where such agreement was arrived at, dated, and recorded in the minutes of the Town Council before the effective date of this ordinance, including but not limited to final plats of subdivisions approved under the then current subdivision review procedures of the Town of Hertford. Where any such agreement expressly sets forth that subsequent phases of development are within the purview of the original agreement, this article shall be held not to apply to such subsequent phases of development.

DEFINITION OF TERM.

The term “street improvements” as used in this Article is defined as the paving of streets and all associated grading and base preparation, and the construction of curbs and gutters and accompanying storm drainage systems.

**Section 6-152 Assessments: Method of Authorization, Eligible Costs**

Eligible Costs. In such cases where special assessments are used as the method of financing street improvements, the Town of Hertford shall follow the procedure established by Chapter 160A, Article 10 of the General Statutes of the State of North Carolina.

All project costs incurred in the construction of street improvements shall be considered in setting the cost of the levy. Such costs may include costs of rights-of-way, legal expenses incurred, and any interest paid during construction in addition to the project costs let to bid or performed by municipal construction forces.

**Section 6-153 Assessments: Basis of Computation**

There shall be levied against any property abutting improvements financed with special assessment a charge representing one-fourth (25%) of those costs incurred in installing improvements along the frontage of that property regardless of the category of use.

In the case of corner lots, no charge shall be made against any abutting property for costs of improvements made at intersections.

In the case of corner lots of any category of use, seventy-five percent (75%) of the shortest side or 150 feet of the shortest side, whichever is greatest, shall be exempted from front foot assessment.

**Section 6-154 Assessments: Resolutions, Assessment Rolls**

In all cases where street improvements are financed with special assessments, all resolutions and the public hearings required for the same shall be scheduled and conducted according to Chapter 160A, Article 10 of the General Statutes of North Carolina.

The preparation and publication of all assessment rolls involved in the financing of the street improvements shall be consistent with the statutory requirements of Chapter 160A, Article 10 of the General Statutes of North Carolina.

### **Section 6-155 Assessments: Collection, Enforcement**

Within 30 days after due publication of notice that the assessment roll has been confirmed, the owners of the assessed property shall either pay their assessment in cash or enter into an installment payment agreement with the Town of Hertford. In such cases where the owner of the assessed property chooses to pay the levy in installments, the first installment shall become due and payable September 1 of the year in which due assessment roll is published and one subsequent installment and interest shall be due and payable on the same date of the month in each successive year until the assessment is paid in full. The amount of the principal to be paid in each annual installment shall not be less than one-seventh (1/7) of the original assessment. The payment of the original assessment and any interest accumulated on any balance outstanding after the cash payment date at a rate of eight percent (8%) per annum shall be paid in full within 10 years of first annual installment date. All installments shall be made to the Town of Hertford through the Town Clerk. The failure of any property owner to meet any annual installment as set forth above gives the Town of Hertford the right to declare all installments and interest due and payable. When special assessments are made against property that is or about to be subdivided, the Town Council may, with the consent of the owner of the property, apportion the assessment among the lots or tracts to be benefited by the project that lie within said subdivision. Such apportionment action and its affect upon the original assessment and lien and the official recording of such action shall follow those procedure established by Section 160A-236 of the General Statutes of North Carolina.

### **Section 6-156 Specifications: Ownership**

Any construction of street improvements under the provisions of this Article shall be carried out in accordance with the approved plans, specification, and requirements of the Town of Hertford. All facilities installed under the provisions of this Article shall become the sole property of the Town of Hertford and under its jurisdiction and control for any and all purposes whatsoever.

### **Section 6-157 – 6-175 Reserved**

## **ARTICLE VI STREET IMPROVEMENTS WITHIN EXTRATERRITORIAL AREA**

### **Section 6-201 Policy Statement: Improvements Within Extraterritorial Area.**

The planning and construction of street improvements within the extraterritorial area of the Town of Hertford shall be accomplished in accordance with the following general principles.

1. Improvements shall be made in a manner so as to promote due orderly growth of the Town of Hertford and its surrounding environs.
2. Any street improvements as required by ordinances or regulations of the Town of Hertford are respected by this statement.
3. The Town of Hertford shall not participate in the funding of street improvements outside of due corporate limits.
4. The municipal street system shall not extend beyond the corporate limits of the Town of Hertford.

**BASIC POLICY.** Streets within the extraterritorial area shall be improved in a manner consistent with any and all adopted ordinances and regulations concerning the Town of Hertford's extraterritorial area. All improvements as may be required by ordinances or regulations of the Town of Hertford shall be installed at the cost of the owner (s) and/or developer (s) of the adjoining property, unless otherwise established by such ordinance or regulation.

Street improvements installed under any ordinance or regulation of the Town of Hertford may be inspected by the Town to insure compliance with such ordinance and/or regulation.

This Article is not designated to circumvent, restate, supersede or annul any of the provisions established by the Statutes of the State of North Carolina concerning the acquisition and/or dedication of rights of way, or the construction, inspection and maintenance of streets and highways.

### **DEFINITION OF TERMS.**

The term "Street Improvements" as used in this Article is defined as the paving of streets and all associated grading and base preparation, and the construction of curbs and gutters and accompanying storm drainage systems.