

CHAPTER 51: WATER AND SEWER SERVICE

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GENERAL PROVISIONS

§ 51.001 CONTROL OF WATERWORKS SYSTEM.

The waterworks system owned by the city shall be under the control of the City Manager and City Council, and the duty of securing and enforcing full compliance with all rules and regulations governing all connections with the mains shall be vested in the Council or in their authorized agent, who is the Director of Public Services.

(^90 Code, § 20-1)

§ 51.002 DIRECTOR OF PUBLIC SERVICES.

The Director of Public Services shall have under his or her special charge the municipal waterworks and sewerage system, and all property connected therewith. He or she shall be in charge of the inspection of the waterworks and the sewerage system, and perform such other duties as may be required of him or her by the City Manager or the City Council.

(^90 Code, § 20-2)

§ 51.003 CITY STANDARD SPECIFICATIONS.

All water and sewer design and installations shall be in accordance with the city standard specifications.

(^90 Code, § 20-151)

CONNECTIONS

§ 51.015 WHEN CONNECTIONS REQUIRED.

(A) Every person owning a house, building or other structure used for human habitation or occupancy in the city and located on a lot which abuts or adjoins a street or alley along which is located a public gravity sanitary sewer, which is accessible within 200 feet of the lot, and a water line, which is accessible within 200 feet of the lot, shall make an approved water and sewer connection with the house, building or structure; provided, however, that no person shall be required to cross the private property of any other person to make the water and sewer connections.

(B) Every house, building or other structure used for human habitation or occupancy in the city which is located on a lot where no public sanitary sewer line is accessible, as defined in division (A) of this section, shall be connected to a septic tank approved by the State Board of Health.

(C) No person shall maintain, use or operate any privy, cesspool or any other means or system of sewage disposal within the city, except as provided in this section.

(^90 Code, § 20-3) Penalty, see § 10.99

§ 51.016 CONNECTION; PERMIT, FEE, SUPERVISION.

(A) No person shall connect any residence or other building or structure with the sewer system of the city without first obtaining the permission of the City Council or its designated agent or officer, and the necessary work in connection therewith, including the laying

of pipes and the construction of approaches to the connection, shall be subject to the general supervision of the City Council through its properly designated agents and employees. There shall be a charge for each connection with the sewer system, to be paid by the owner of the property connected therewith.

(B) In the event of a failing on-site wastewater treatment system, a person, firm, business or corporation may request of the city to connect to existing pressure sewer main at the expense of the person, firm, business or corporation. In the event that a person, firm, business or corporation is located within a newly annexed area and wishes to receive sewer service prior to the installation of gravity sewer, they may request of the city to connect to an existing pressure sewer main at the expense of the person, firm, business or corporation.

(1) The person, firm, business or corporation shall comply with all federal, state and local regulations concerning sewer pumps, pressure lines and equipment necessary to connect to existing pressure sewer lines.

(2) The person, firm, business or corporation shall pay the cost for the connection, and shall also be responsible for the maintenance of any and all equipment and private pressure sewer lines necessary to maintain the proper flow to the city's pressure main. Further, when the connection is completed, the person, firm, business or corporation shall have executed a contract with the city which states that the person, firm, business or corporation shall be fully responsible for the repair, maintenance and/or replacement of equipment necessary to the continued operation of the connection.

(3) When and if the city installs a gravity flow sewer line, then the person, firm, business or corporation shall disconnect at their expense from the existing pressure sewer main and connect to the gravity flow sewer main. Further, the person, firm, business or corporation shall enter into a contract with the city at the time of the initial connection, that when a gravity flow sewer main becomes available, then the person, firm, business or corporation shall bear all the cost for disconnecting from the pressure sewer main and reconnecting to the gravity flow sewer line.

(4) When the city annexes an area with a pressure sewer line and installs a gravity flow sewer line, then the person, firm, business or corporation shall be responsible for their pro rata share and assessment for the gravity flow sewer line, if any.

(5) Disconnection shall be at the city's discretion and done according to all pertinent federal, state and local specifications.

(6) The city will provide, at the connection or property line, a valve in an accessible enclosure for the person, firm, business or corporation to connect to.

(7) Any person, firm, business or corporation connecting to an existing pressure sewer line shall provide the city with plans, specifications and pump designs prepared by a professional engineer.

('90 Code, § 20-4) (Am. Ord. passed 10-12-93) Penalty, see § 10.99
§ 51.017 WATER MAINS; EXTENSION, TAPPING, CONTROL.

The city reserves the privilege of tapping the water mains for any and all connections, and will extend all service pipes to the curbing or property limits, where a stop box will be placed over a stop cock, all of which shall be under the exclusive control of the officers of the city.

(90 Code, § 20-5)

§ 51.018 CHARGE FOR WATER CONNECTIONS.

Each person for whom a water connection is made shall pay to the city a charge as set from time to time by the City Council.

(90 Code, § 20-6)

§ 51.019 WATER METERS.

No premises shall be connected to the water system of the city unless there is first installed a water meter. All such meters shall be installed by the city under the direction of the Director of Public Services, and they shall remain, at all times, the property of the city.

(90 Code, § 20-7) Penalty, see § 10.99

Statutory reference:

Interfering with water meter, see G.S.

§ 14-151.1

§ 51.020 RIGHT TO SHUT OFF WATER IN MAINS.

The city reserves the right at any time to shut off the water in the mains in case of accident or emergency, or for the purpose of making connections, alterations or repairs, and the Director of Public Services shall make reasonable effort to notify all consumers within the district to be shut off at least one hour previous to the shutting off, except in case of accident or emergency, in which case the water shall be shut off without notice.

(90 Code, § 20-8)

§ 51.021 OCCUPANCY AFTER WATER SHUT OFF.

No person shall occupy any house or building for human habitation within the city after the water supply thereto has been shut off, except in cases where the supply is shut off temporarily, as provided in § 51.020.

(90 Code, § 20-9)

WATER EMERGENCY

§ 51.035 CITY MANAGER TO INFORM MAYOR.

The City Manager shall inform the Mayor when, in his or her opinion, it appears probable that, without conservation measures, certain of the water lines leading from the reservoir might become empty.

(90 Code, § 20-31)

§ 51.036 PROCLAMATION OF MAYOR.

Immediately upon receipt of information from the City Manager, as provided for in § 51.035, the Mayor shall proclaim a water emergency and see that widespread announcement of the water emergency is made.

(90 Code, § 20-32)

§ 51.037 NONESSENTIAL USE OF WATER.

When any water emergency is proclaimed, no person shall use water from the city water supply for the purposes of washing vehicles, watering lawns or gardens, filling pools or jacuzzis, or any other nonessential use for the duration of the water emergency.

(90 Code, § 20-33) Penalty, see § 10.99

§ 51.038 DURATION.

Unless renewed by further proclamation by the Mayor, the duration of any water emergency shall be 72 hours. Nothing in this section shall be construed to prevent the Mayor from declaring a new water emergency based on information from the City Manager.

(90 Code, § 20-34)

SERVICE CHARGES

§ 51.050 RATES FOR WATER SERVICE.

All persons using city water or sewers shall pay therefor in accord with the rates established from time to time by the City Council and kept on file in the office of the Utility Billing Clerk.

(^90 Code, § 20-51)

§ 51.051 SPRINKLER SYSTEM.

All persons maintaining a sprinkler system within the city and connected to the city's water system shall pay for such service a sum per month for each 10,000 square feet or fraction thereof of the sprinkler system, as set from time to time by the City Council. For sprinkler systems located outside the city limits, the charge shall be double the rate.

(^90 Code, § 20-52)

§ 51.052 DETERMINATION OF AMOUNT.

The amount of the water and sewer service charge due from any customer and any refunds therefor shall be determined in accordance with the cash management policy, as set forth in Chapter 37.

(^90 Code, § 20-54)

§ 51.053 FAILURE TO PAY.

(A) If any person fails or refuses to pay any water or sewer service charge on or before the fifteenth day of the month in which it is due, the Director of Public Services is authorized to shut off water service to the premises in accordance with the provisions of this section, and to take such other action as is provided by the cash management policy. When water has been shut off under this section, it shall be unlawful for any person to turn on or restore the service. (^90 Code, § 20-55)

(B) (1) If any bill is not paid by or before the date specified in division (A) of this section, a second bill will be mailed containing a notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment.

(2) Any customer disputing the correctness of the bill shall have a right to a hearing, at which time the customer may be represented in person and by counsel or any other person of the customer's choosing, and may present orally or in writing any complaints and contentions to the city official in charge of utility billing. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. The official in charge of utility billing shall be authorized to order that the customer's service not be discontinued, and shall have the authority to make a final determination of the customer's complaint.

(3) In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of a bill, service will be reinstated only after all past-due bills for service have been paid, along with a turn-on charge in the sum of \$20.

Penalty, see § 10.99

§ 51.054 MAINTENANCE OF SERVICE PIPE AND FIXTURES.

Persons taking water from the city's mains must keep their service pipe and all fixtures connected therewith in good repair and protected from frost, at their own expense.

(^90 Code, § 20-56)

§ 51.055 CLAIMS AGAINST CITY.

It is expressly stipulated by and between the city and its water customers that no claims shall be made against the city on account of the bursting or breaking of any water main or service pipe, any attachment to the waterworks, or for any incidental failure in the supply of water or temporary interruption of water service.

(^90 Code, § 20-57)

EXTENSIONS OF WATER AND SEWER SERVICE

§ 51.065 BASIS FOR ASSESSMENT.

The city shall, by resolution, have authority to extend its water and sewer systems and to defray the expense of the extensions by an assessment upon the properties abutting upon the project, made on the basis of the frontage abutting on the project, at an equal rate per foot of frontage.

('90 Code, § 20-77) (Ord. passed 2-14-89)

§ 51.066 RESERVATION OF AUTHORITY.

Nothing in this subchapter shall be construed to prohibit the city from constructing water and sewer extensions with its own funds, or entering into a contract with the county or any other organization for funds for the construction of water transmission lines or sewage collection lines or outfall sewers either inside or outside the city for the purpose of serving industry or any general purpose facility or area, under such terms or conditions as the City Council may from time to time determine appropriate.

('90 Code, § 20-78) (Ord. passed 2-14-89)

EXTENSION TO DEVELOPED PROPERTY WITHIN CITY LIMITS

§ 51.080 REQUEST FOR EXTENSION.

Upon receipt of a request for water or sewer extension, the City Council shall hear the request and determine if it is in the best interest of the city to extend the system. Upon a favorable determination by the City Council, the procedure specified in this subchapter shall be followed.

('90 Code, § 20-91) (Ord. passed 2-14-89)

§ 51.081 PRELIMINARY ASSESSMENT RESOLUTION.

The City Council shall adopt a preliminary assessment resolution containing a statement of intent to undertake the project, a general description of the nature and location of the project, a statement as to the interest rate charged per annum on any financed portion of assessment, a statement as to the terms of payment of the assessment, and an order setting a time and place for a public hearing on the preliminary assessment resolution. The public hearing must be held between three and ten weeks from the date of the adoption of the preliminary assessment resolution.

('90 Code, § 20-92) (Ord. passed 2-14-89)

§ 51.082 PUBLIC NOTICE.

At least ten days prior to the public hearing date set in the preliminary assessment resolution, the City Clerk shall cause to be published in the local newspaper a notice stating the time and place of the public hearing, along with a general description and location of the proposed project.

('90 Code, § 20-93) (Ord. passed 2-14-89)

§ 51.083 NOTICE TO PROPERTY OWNERS.

At least ten days prior to the public hearing date set in the preliminary assessment resolution, the City Clerk shall mail to all property owners subject to assessment a copy of the preliminary assessment resolution, and certify to the City Council that the copies were mailed first-class mail, and the date of mailing.

('90 Code, § 20-94) (Ord. passed 2-14-89)

§ 51.084 COST ESTIMATE.

Prior to the date of the public hearing set in the preliminary assessment resolution, the City Manager or his or her representative shall prepare an estimate of the cost of the project for consideration by the City Council at the public hearing.

('90 Code, § 20-95) (Ord. passed 2-14-89)

§ 51.085 PUBLIC HEARING.

The City Council shall hold the public hearing at the place and time advertised in the preliminary assessment resolution, and hear all interested persons that appear with respect to any matter covered by the preliminary assessment resolution.

('90 Code, § 20-96) (Ord. passed 2-14-89)

§ 51.086 AUTHORIZATION TO COMMENCE PROJECT.

After the public hearing and an affirmative vote by the City Council, the Council shall adopt a resolution directing that the project or specified portion thereof be undertaken.

('90 Code, § 20-97) (Ord. passed 2-14-89)

§ 51.087 SCOPE NOT TO BE INCREASED.

After the City Council passes a resolution to undertake the project, the project scope, assessment percentage and assessment payment period shall not be increased without a new preliminary assessment resolution.

('90 Code, § 20-98) (Ord. passed 2-14-89)

§ 51.088 ASSESSMENT PROCEDURE.

(A) Upon completion of the improvement project, the City Manager or his or her representative shall determine the total project cost. The total project cost shall include engineering, materials, labor, equipment, legal fees, interest paid by city during construction, right-of-way cost and cost of publications.

(B) The City Council shall then pass a resolution declaring cost and ordering preparation of the preliminary assessment roll and setting a time and place for a public hearing on same.

(C) The City Clerk shall then prepare the preliminary assessment roll, and same shall be maintained in the Clerk's office for public inspection.

(D) Ten days prior to the date of public hearing on the preliminary assessment roll resolution, the City Clerk shall cause to be published a public notice in the local paper, stating a description of the project, noting the assessment roll is available in the Clerk's office for public inspection, and the time and place of the public hearing on the assessment roll.

(E) The City Clerk shall mail a notice to each property owner, stating the time and place of the assessment roll public hearing, at least ten days prior to the hearing.

(F) The assessment roll public hearing shall be held at the announced time and place, at which time the City Council shall hear all contentions and objections from all interested persons. After the public hearing, the City Council shall adopt a resolution confirming the assessment roll and levying the assessment.

('90 Code, § 20-99) (Ord. passed 2-14-89)

EXTENSION TO PROPOSED DEVELOPMENTS OR SUBDIVISIONS WITHIN CITY LIMITS

§ 51.100 APPLICATION.

(A) An application requesting the extension of water or sanitary sewer service or both to a proposed development or subdivision within the city limits shall consist of the following:

(1) A preliminary plan of the proposed development or subdivision.

(2) A schedule setting forth proposed beginning and completion dates for all phases of the project.

(B) If the application is approved by the City Council, the applicant shall submit the plan and profile drawing with written specification in accordance with city standards to the Director of Public Services for approval.

('90 Code, § 20-111)

§ 51.101 OWNERSHIP.

All water or sewer facilities and easements constructed and acquired pursuant to this subchapter shall be owned by the city, and the developer shall agree to this provision and provide the city with appropriate recorded easements.

(⁹⁰ Code, § 20-113)

EXTENSIONS OUTSIDE CITY LIMITS

§ 51.115 DECLARATION OF POLICY.

All extensions of water and sewer outside the city limits, installed by other than the city, shall be in accordance with "The City and County Joint Water and Sewer Agreement."

(⁹⁰ Code, § 20-131)

§ 51.116 PRIVATE LINES, MAINTENANCE AND REPLACEMENT.

(A) Application. The city shall identify all private waterlines located outside the city limits, the ownership of which is unknown or for which there is no known person or entity that has assumed responsibility for maintenance and repair of such waterlines.

(1) Any city water user being served through a private waterline as described above shall pay for the water three times the rate charged to inside-the-city users.

(2) The city shall set aside in a special utility fund one-third of the funds collected from the water users described in this section. The fund shall be used to pay the costs of repair and maintenance of the private waterlines as determined necessary by the city. Additionally, the fund may be used to pay the costs of private waterline replacements as such are determined necessary by the city, and as funds to finance same are available from the special utility fund.

(3) In all instances where new waterlines are installed to replace old private waterlines in accordance with the provisions of this section, the new waterlines shall become the exclusive property of the city, and any persons or entities owning property traversed by the replacement waterline shall be required to grant a 15-foot wide permanent easement to the city to accommodate the city's future ownership and maintenance responsibility as to the line.

(B) Contractual agreements. In those instances where there are identifiable owners of private waterlines outside the city limits, and the owners are willing to be fully responsible for the repair, maintenance and replacement of their waterlines, then the owners shall be required to enter into a contract with the city which would guarantee the repair, maintenance and replacement of the private waterlines at no cost to the city, and all persons or entities served by the private waterlines shall pay only two times the standard inside-the-city-limits water rate for all city water used.

(⁹⁰ Code, § 20-137) (Ord. 91-03, passed 5-14-91)