

CITY OF SALUDA WATER & SEWER ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina that the following is adopted as the City's Water & Sewer Ordinance:

ARTICLE I. WATER SERVICE

DIVISION 1. GENERALLY

Sec. 1-1-1. General purpose of article.

The purposes of this article are to:

- (a) Regulate the City's water system for the advancement of the best interests of the citizens and residents of the City;
- (b) Prevent the introduction of pollutants into the water system;
- (c) Ensure the financial viability of the water system;
- (d) Provide for equitable distribution of the cost of construction, operation and maintenance of the water system;
- (e) Provide for the proper management of the water system; and
- (f) Ensure the health and safety of the general public.

Sec. 1-1-2. Definitions.

The following words, terms and phrases when used in this article and articles II and III of this Ordinance shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Average usage means the average total usage in gallons per day of a consumer. The director shall determine average usage for a particular consumer by considering the type of consumer (e.g., residential, commercial, industrial), the size of the service line of the consumer, the size of the premises to be served, data concerning past usage of the consumer or of persons similar to the consumer, and any other factor deemed relevant to average usage.

Backflow means the flow of contaminants, pollutants, process fluids, used water, untreated water, chemicals, gases, or nonpotable water into any part of the water system.

Backflow prevention device means any device, method or type of construction approved by the director intended to prevent backflow into the water system.

Board means the Board of Commissioners of the City of Saluda.

Bypass means a device or method of connecting the water system to a service line by circumventing a meter.

Cooling water means the water discharged from any system of condensation, air conditioning, cooling, refrigeration, or such other system.

Consumer means a person who receives water from the City under either express or implied contract requiring payment to the City.

Contamination means any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals or gases.

Cross-connection means any connection or structural arrangement, direct or indirect, to the water system whereby backflow can occur.

Director means the director of the water system or his authorized representative(s).

Fee schedule means a schedule of fees and charges for water usage and services to be provided by the City with respect to the water system, as adopted and amended from time to time by the Board. **(amended 3/12/2018)**

Improved lot means a lot on which there is a building or other structure in which persons work or live, and which is required to have potable water pursuant to the state building code.

Line availability fee means the fee charged to owners of property not previously served by the water system for the availability of the water system based upon the linear footage of water line adjacent to such owner's lot, with a minimum charge based upon 50 linear feet. This fee is intended to defray the costs of line installation. Where water lines are located within public or private rights-of-way which are adjacent to a lot, the line shall be considered to be adjacent to lots on both sides of the right-of-way.

Lot means a parcel which is identified as a discreet, taxable lot by the taxing offices at either Polk County or Henderson County.

Meter means a device approved by the director used to measure all water used by a consumer.

Person means an individual, partnership, limited liability company, corporation, association, or other entity.

Pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, industrial, municipal or agricultural waste discharged into water.

Potable water means water fit for human consumption and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted, which would constitute a health or system hazard if introduced into the water system. This includes but is not limited to:

- (a) Polluted or contaminated waters;
- (b) Used water which may have originated from the water system which has deteriorated in sanitary quality;
- (c) Cooling water;
- (d) Contaminated natural waters taken from wells, lakes, streams or irrigation systems;
- (e) Chemicals in solution or suspension; and
- (f) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial and other processes or for firefighting purposes.

Service connection means the terminal end of a service line from the water system. If a meter is installed at the end of the service, then the term "service connection" means the downstream end of the meter.

System hazard means a condition posing a potential or actual threat of damage to the water system.

Used water means any water supplied by a water purveyor from the water system after it has passed through a service connection.

Water purveyor means an individual, group of individuals, partnership, firm, association, institution, corporation, limited liability company, municipal corporation, county or authority which supplies water to any person within this state from or by means of the water system.

Water system means the City's structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to commercial, industrial and residential consumers.

Sec. 1-1-3. Board to regulate water system.

The water system shall be under the control of the Board. The duty of prescribing and enforcing compliance with all rules and regulations governing the water system shall be vested in the Board or its authorized agent.

Sec. 1-1-4. Director.

(a) *Appointment.* The Board shall appoint a competent person to serve as director. The director shall supervise the entire water system of the City. The Board may from time to time prescribe the duties and responsibilities of the director.

(b) *Powers.*

(1) The director, law enforcement officers acting on behalf of the City, or other officials of the City shall enforce the provisions of this article. In addition, the director may:

- a. Issue and attach conditions to permits provided for herein as may be necessary;
 - b. Find facts and issue compliance orders which require consumer compliance;
 - c. Issue inspection orders providing for the inspection, surveillance and monitoring procedures necessary to determine compliance;
 - d. Seek injunctions and equitable remedies as may be provided by law;
- and
- e. Issue stop-work orders.

(2) The director may order the water cut off and service either temporarily or permanently discontinued for the following violations:

- a. Nonpayment of water charges;
- b. Unauthorized reconnection of discontinued service;
- c. Unauthorized use of bypass;
- d. Unauthorized use of cross-connections;
- e. Failure to maintain plumbing or abide by the plumbing code;
- f. Violation of regulations related to sprinkler connections;
- g. Existence of other conditions detrimental to the water system or public health and safety, including violations of the City's building code.

(3) When such cutoff order is made for any reason indicated in subsection (b), a fee shall be collected before the water shall be turned on and service resumed; and

in cases where the meter has been removed or locked out of service, such fee shall be collected before the meter is installed or unlocked.

(4) Service will not be reinstated until the conditions bringing about the cutoff have been satisfied and all costs have been paid by the consumer.

(5) When any water service is cut off and locked out of service by the City, the locking device used in locking off the water service shall become a part of the water service connection. Should the locking device placed on the water connection be broken or damaged, the meter will be removed and service will not be reinstated until the City has been paid for all damages to the water connection, meter, and locking device.

(6) It shall be unlawful for any person, except the director or his authorized representatives, to turn on the water to any premises from which the water has been cut off by order of the director. If a discontinued service is reinstated without authorization, then the meter may be removed, an additional charge levied, and the owner or person responsible for such unauthorized installation will be subject to all penalties, civil and criminal, provided by law.

(7) The director may declare any case a hardship case and waive a portion or all of the charges due, or allow the customer to repay such charges over a period of time, in cases of excessive water usage caused by concealed leaks, when full payment of the bill would be an unreasonable financial burden on the customer.

Sec. 1-1-5. Disclaimer of liability.

Neither the City, its employees, or its Board shall be liable to any person for the failure to furnish water service for any purpose under any conditions, or for the quality or quantity of service provided, or for any damage or discontinuance or interruption of service.

Sec. 1-1-6. Access to property.

City employees designated by the director shall at all reasonable times have free access to premises for the purpose of examining hydrants, fixtures, connections, or other appurtenances to the water system. It shall be unlawful for any person to interfere with a properly authorized City official who is conducting his duties in accordance with instructions from the director.

Sec. 1-1-7. Leaks in waterline on consumer's property.

When it is ascertained that there is a leak on property owned or controlled by a consumer, it shall be the responsibility of the consumer to locate and repair such leak immediately. During the time such leak exists, the consumer shall pay for the amount of water wasted.

Sec. 1-1-8. Right of City to cut off water supply.

The director may interrupt service for tests, maintenance and repairs of the water system. The director shall use reasonable means to notify the affected consumers of any anticipated interruption of service. In cases of emergency, the director will take reasonable steps to notify the affected consumers as soon as reasonably possible of the emergency situation and the intended interruption of service. In the exercise of such rights, the City shall not be liable for any damage or inconvenience suffered by any consumer or any other person, even if the director fails to provide such notice.

Sec. 1-1-9. Penalties.

(a) *Criminal.* Any person who violates any provision of this division or falsifies any information or data in any application, plans, reports, or other document given to the City shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G.S. § 14-4.

(b) *Civil.* Any person who violates any provision of this division shall be subject to the imposition by the director of a civil penalty per day for each violation, and, in addition, reimburse the City upon demand for any expenses, loss or damage sustained by the City. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

DIVISION 2. TAMPERING WITH WATER SYSTEM

Sec. 1-2-1. Unlawful to damage or obstruct water system.

No person shall deface, damage, tamper with or work on any structure, reservoir, valve cock, wheel, fireplug, pipe or other fixture connected with or pertaining to the water system, or place any pollutant or other matter or substances in the water system.

Sec. 1-2-2. Removing or repairing fixtures.

No person, except an officer or agent authorized by the director, shall remove or undertake to repair or in any manner interfere with the water meters or fixtures of the water system. Further, no person shall place within the water system any valve, stopcock, meter box, water main or service pipe, or obstruct access to any fixture connected with the water system or any easement of the water system, or remove or damage any pipe, fireplug, hydrant, valve or cock or open or close any of them, except when due authority has been given therefor by the director.

Sec. 1-2-3. Use of bypasses.

(a) No person shall have a bypass around any water meter without written permission from the director.

(b) Installation of such bypasses shall be performed or supervised by the City.

(c) No person having a bypass shall open or use such bypass except when permitted to do so by the director.

Sec. 1-2-4. Opening fire hydrants for private use.

It shall be a policy of the City to deny permission to use public fire hydrants for construction purposes or any other use than by the fire department, public works department, or public safety officers in the discharge of their official duties. However, because construction and demolition practices require the availability of high volumes of water, the director may grant permission for the use of fire hydrants consistent with such practices when there is not another high volume water source available to the contractor without such contractor incurring unreasonably high costs. In order for a contractor to receive a permit to use water from a public fire hydrant for the aforesaid purposes, such contractor must:

(a) Make application for such permit at least one business day prior to the time the public fire hydrant is needed.

(b) Deposit cash or check with the City's business office for each hydrant meter to be used, and the fee for each public fire hydrant. The deposits are intended to be used to repair any damage to the hydrant meter and the public fire hydrant during the period of time used by the applicant, but liability is not limited to the amount of the deposit. The applicant shall be personally liable for all damages done to the fire hydrant and/or the water meter.

(c) At the end of the period of hydrant and/or hydrant meter usage, the hydrant meter shall be retrieved by the City or returned to the City, as determined by the director. The applicant shall be charged for actual consumption of water based upon the applicable rate of the water line servicing the permitted hydrant, and shall be charged a rental fee for use of the water hydrant meter. A minimum water consumption fee of \$50.00 will be charged on all hydrant permits, to be collected in advance. Total water consumption charges will be deducted from the deposit held by the City. The remaining deposit, if any, will be refunded to the applicant, less damages to the public hydrant and/or the hydrant meter.

Sec. 1-2-5. Penalties.

(a) *Criminal.* Any person who violates any provision of this division shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G. S. 14-4.

(b) *Civil.* Any person who violates any provision of this division shall be subject to the imposition by the director of a civil penalty per hydrant, for each violation, and, in addition, reimburse the City upon demand for any expenses, loss or damage sustained by the City. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

DIVISION 3. WATER CONNECTIONS

Sec. 1-3-1. Permit required to connect with water system; application.

(a) A permit from the public works department shall be obtained before connecting any premises to the water system of the City.

(b) When a connection has been made between the water main and curb and the owner of the premises desires that his premises be connected with such service connection, he shall make application to the director, upon forms furnished by the public works department, for the installation of a water meter.

(c) If such property is within the corporate limits of the City, a water meter shall be installed after the applicant has paid all applicable fees.

(d) If such property is not within the corporate limits of the City, the director shall only issue a permit if such issuance is consistent with the then existing policies of the City, which policies may be amended from time to time.

Sec. 1-3-2. Contents of application; fees; issuance of permit.

(a) All applications for permits to connect with the water system, whether the premises are located within or without the corporate limits, shall be made in writing to the director by the owner of the premises, his contractor or duly authorized agent. The application shall specify:

- (1) The applicant's name, and the name of the property owner, if different;
- (2) The location of the property for which connection is desired;
- (3) The size of the service line proposed to be connected with the City main;
- (4) Whether the applicant is requesting that the connection be performed by the City, and if not, the name of the person or firm whom the applicant proposes to perform the work of installing and connecting the service line;
- (5) The commencement date of the work to be performed;
- (6) The date of connection; and
- (7) Such other or additional information as may be required by the director.

(b) Upon the payment of fees required by the City, upon satisfaction of other conditions imposed herein and by the director, and if such connection is not inconsistent with the policies of water connection, adopted by the City from time to time, a written permit shall be issued for the connection for which the applicant applied. Such a permit shall serve as the contract between the parties and shall obligate the owner, his agents and contractors to comply with all resolutions and regulations of the City in force at the time the permit is granted or which shall be in force any time thereafter. The director may stay the issuance of any permit he believes to be detrimental to the water system.

Sec. 1-3-3. Premises with public sewer connections required to have public water connections; right of City to disconnect public sewer for failure to connect to water system.

(a) Whenever any premises shall have been connected with the City sewer system, it shall be the duty of the owner of such premises to make immediate application in writing for connection with the water system and to have such connections made. If the owner or occupant of such premises fails to connect to the water system, the City shall have the right to go upon private premises to which such sewer service is provided and to excavate and disconnect the sewer service at such point along the private sewer connection line as the City may deem appropriate, and thereafter, from time to time, to inspect such point of disconnection, and, upon payment of all charges owed to the City and/or upon connecting to the City water system to reconnect same, all at the expense and risk of the property owner or occupant.

(b) The fact that the premises are connected to the City sewer system and that sewer service is provided to the premises by the City shall constitute an acceptance of this condition, and each owner or occupant of premises having such a sewer connection shall be deemed to have given the City a continuing permit or easement to go upon his private property for such purposes.

(c) The City shall incur no liability whatever for damages to persons or property for any such excavation, disconnection, inspection or reconnection of any such sewer line or sewer service.

Sec. 1-3-4. Compelling water connections.

(a) The owner of any improved lot which is located within 500 feet of a water main from which City water service is available shall connect such improved lot to the water main and the property owner shall be charged the prescribed tap fee for all such connections.

(b) Whenever any property shall be required by this article or other ordinances to be connected with the water system, the procedure for compelling the connection shall be as follows:

(1) Notice of such required connection shall be mailed to the property owner at least 90 days prior to the date of such connection.

(2) If, after reasonable diligence, the owner cannot be found, then such notice shall be published at least five days prior to the date of such connection in a newspaper having general circulation within the City.

(3) If the property owner does not, within the time prescribed in the notice, make the connection in accordance with the provisions of this article, then the City, through its officers or agents, may make such connection, and the cost thereof shall be a charge against the owner and a lien on the land, and the collection thereof shall be made in the manner provided for the collection of unpaid taxes.

(c) The length of time within which an owner is required to connect may be extended by the director where he finds that the owner is exercising due diligence in an effort to comply with provisions hereof.

(d) Whenever any property shall be required by this article or other ordinances to be connected with the water system, well water may also be utilized at the property for outdoor purposes such as the irrigation of lawns, shrubs and gardens and the watering of animals, subject to the provisions of this Water and Sewer Policy and the following:

(1) A well water permit shall be obtained from the public works department before use of such well and a well water permit fee shall be paid to the City in an amount as determined by the Board from time to time and set forth in the City's Schedule of Fees.

(2) An annual well inspection fee shall be paid to the City in an amount as determined by the Board from time to time and set forth in the City's Schedule of Fees, and the well and connected irrigation system shall be inspected by the City periodically to determine that there are no improper cross-connections and that the water is being used for outdoor purposes only.

(3) Well water shall not be used inside building structures as a potable water supply for human consumption or in any interior plumbing or heating and air conditioning systems.

(4) Well water shall not be discharged into the City sewer system. Such prohibited discharges shall be subject to the penalties in Section IV-13(c) of Article IV, below.

Sec. 1-3-5. Repairs.

The piping and connections from the meter to the property owner's premises, including those within the meter box, shall be kept in repair by the owner of the property being served, and the City shall have the right to discontinue service to any property when the owner or occupant does not maintain the plumbing as required by construction standards

established and maintained by the City. All other components of the water system shall be maintained by the City.

Sec. 1-3-6. City to make and maintain connections.

(a) Once a connection has been approved, the City will make water connections from the water main to the edge of the street right-of-way and will locate a meter between the edge of the pavement and the edge of the right-of-way, its location to be determined by the director. The City will maintain the connection only from the main to, and including, the meter box and meter.

(b) The water connections, in their entirety, including the replacement and repair of pavement and sidewalks, shall be made by the City or under its direction.

Sec. 1-3-7. Title to water meters and connections.

The title and ownership of water meters and connections are retained by the City.

Sec. 1-3-8. City reserves right to remove and test meters.

The City reserves the right to remove, test, seal and interfere with any meter for causes deemed justifiable by the director.

Sec. 1-3-9. Penalties.

(a) *Criminal.* Any person who violates any provision of this division or falsifies any information or data in any application, plans, reports, or other document given to the City shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G.S. § 14-4.

(b) *Civil.* Any person who violates any provision of this division shall be subject to the imposition by the director of a civil penalty for each violation, and, in addition, reimburse the City upon demand for any expenses, loss or damage sustained by the City. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

DIVISION 4. BACKFLOW PREVENTION

Sec. I-4-1. Cross-connection, backflow, and backflow control.

(a) An approved backflow prevention device shall be installed as directed by the director and at the expense of the consumer on each service line where, in the judgment of the director, a health or system hazard to the water system exists.

(b) The following premises shall have installed an approved backflow prevention device:

- (1) Premises having an auxiliary water system, unless such auxiliary system is accepted as an additional source by the City;
- (2) Premises on which any substance is handled in such a manner as to create an actual or potential hazard to the water system;
- (3) Premises having internal cross-connections or intricate plumbing arrangements which make it impractical to determine whether cross-connections exist;

(4) Premises where, because of security requirements or other restrictions, it is impractical to make a complete cross-connection survey;

(5) Premises having a history of cross-connections being established or reestablished;

(6) Other premises specified by the director when there is a reasonable belief that a potential cross-connection hazard exists.

(c) An approved backflow prevention device shall be installed on each service line serving the following types of facilities:

(1) Hospitals, mortuaries, clinics and nursing homes;

(2) Laboratories;

(3) Piers, docks and waterfront facilities;

(4) Sewage treatment plants, sewage pumping stations or stormwater pumping stations;

(5) Food and beverage processing plants;

(6) Chemical, dyeing or printing plants;

(7) Metal plating plants;

(8) Petroleum processing plants;

(9) Radioactive materials processing plants and nuclear reactors;

(10) Car washes;

(11) Lawn sprinkler systems and irrigation systems;

(12) Fire service systems;

(13) Slaughterhouses and poultry processing plants;

(14) Farms where water is used for other than household purposes; and

(15) Others specified by the director where potential backflow or cross-connection hazard can be shown.

(d) The consumer has the responsibility of preventing contaminants and pollutants from entering his potable water system or the public water system at his service connection. The consumer, at his own expense, shall install, operate and maintain an approved backflow prevention device at the service connection as directed by the City.

(e) The City shall conduct annual inspections of a consumer's backflow device at the consumer's expense, in accordance with the fee schedule.

Sec. 1-4-2. Cross-connection with source other than City prohibited.

(a) When any property is connected to a City water line, and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing servicing any building upon such property to be so connected that any water outlet within the building may be served with water from any source other than the City connection, and it shall also be unlawful to have plumbing cross-connected or so installed that the City water system or the private water system may in any way become intermingled. Such cross-connections shall result in the removal of the meter supplying such connections, as well as penalties, civil and criminal, provided by law.

(b) Upon discovery of a cross-connection upon property being furnished water through the City water system, the owner of the property shall be notified that the connection must be discontinued within ten days and failure to remove or correct the cross-connection within ten days will result in removal of the meter. If the removal is not

made within the ten-day period, the meter shall be removed and shall not be reinstalled without payment by the owner of all charges due.

Sec. 1-4-3. Penalties.

(a) *Criminal.* Any person who violates any provision of this division or falsifies any information or data in any application, plans, reports, or other document given to the City shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G.S. 14-4.

(b) *Civil.* Any person who violates any provision of this division shall be subject to the imposition by the director of a civil penalty for each violation, and, in addition, reimburse the City upon demand for any expenses, loss or damage sustained by the City. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

DIVISION 5. WATER SHORTAGES

Sec. 1-5-1. Declaration of Shortage.

Whenever the water supply of the City public water system is low or declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below. The Board may declare a Stage I Water Condition Advisory requiring water conservation by consumers. In the event that Stage I conservation measures fail to relieve the demand on the system, the Board may declare a Stage II or Stage III Water Shortage Condition.

Sec. 1-5-2. Notice to general public of water shortage.

The City Administrator shall give notice to the public of the existence of a Stage I, Stage II or Stage III Water Condition Advisory, to be effective within 24 hours following the issuance thereof.

Sec. 1-5-3. Compliance required in the event of water shortage.

(a) In the event the City Administrator issues the notice described in Section 11-2, above, as to a Stage II or III water shortage, it shall thereafter be unlawful for any person to use or permit the use of water from the water system or from a water system served by the City for any of the hereinafter set forth prohibited purposes until such time as this article is amended or repealed, or until the Board has declared such water usage restrictions are no longer in effect.

(b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential customers by the Board and which may be applicable to any person, except to the extent such compliance will reasonably endanger the health of the patients or residents of the said facilities.

(c) Hospitals, nursing homes and health care facilities shall survey their water usage patterns and requirements and implement substitute conservation measures as may

be reasonably possible without endangering the health of their patients or residents to achieve a reasonable reduction in the facilities' water usage.

Sec. 1-5-4. Restrictions.

The severity of water shortages shall be determined primarily by following the criteria determined by the director or his designee, including the availability of raw water supply, the City's water storage capacity, predicted weather conditions, predicted changes in demand and similar factors as they may exist from time to time. In making such determination, the director or his designee shall consider normal water storage volume and flow rate requirements, and shall note any reductions from the norm in his report to the Board. The report shall include reasonable efforts to address and explain the cause of any potential or actual water shortage, the recommended approach to correcting the shortage and the forecast duration of the shortage. In recommending any implementation of Stage I, II or III conservation restrictions, the report shall place a paramount importance and priority on the public health and safety. The restrictive measures in effect at each stage are as follows:

- (a) *Stage I water conservation alert: Voluntary conservation recommendations.*
- (1) Inspect and repair all faulty and defective parts of faucets and toilets causing water waste.
 - (2) Use shower for bathing rather than bathtub and limit shower to no more than five minutes.
 - (3) Do not leave faucets running while shaving, rinsing dishes or brushing teeth.
 - (4) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 - (5) Limit lawn watering to that necessary for plant survival.
 - (6) Water shrubbery the minimum required, reusing household water when possible.
 - (7) Limit vehicle washing.
 - (8) Do not wash down outside areas such as sidewalks, patios, driveways, etc.
 - (9) Install water flow restrictions in showerheads and other water-saving devices.
 - (10) Use disposable and biodegradable dishes when possible.
 - (11) Install water-saving devices in toilets.
 - (12) Limit hours of operation of water-cooled air conditioners.
 - (13) Do not fill outdoor swimming or wading pools.
 - (14) Water supply line pressure should be reduced in order to reduce water consumption where feasible and reasonable.
 - (15) Conservation in public buildings, institutions, dormitories and similar facilities is encouraged.
 - (16) Water conservation should be followed during all phases of construction-related activities. Where available, water needed should be obtained from supplemental sources.
 - (17) To do everything else that is reasonable to accomplish water conservation.

(b) *Stage II water shortage: Mandatory water restrictions.* Except as permitted or required by public directives issued and promulgated by the Board from time to time during the existence of a Stage II water shortage, Stage I water conservation shall become required and it shall thereafter be unlawful for a consumer to:

(1) Fail to take all actions requested in Stage I. All of such actions are incorporated herein by reference as mandatory requirements, along with the following more restrictive measures where applicable.

(2) Water lawns, grass, shrubbery, trees, ornamental plants, flowers, and vegetable gardens except by hand-held container (bucket, jug, etc.). The use of water hoses to transfer water more than three feet to a container is prohibited. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time for irrigation of its commercial stock in trade.

(3) Water newly sewn lawns or to plant new ornamental plants.

(4) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.

(5) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, except that parts of vehicles may be washed where required by federal, state or local laws or for safety reasons. Provided, however, that any commercial or business-operated car wash facility shall be permitted to use water for such purposes. Further, a person regularly engaged in the sale and/or renting of motor vehicles shall be permitted to use water for the cleaning of its commercial stock. However, any such person shall ensure that water is not wasted.

(6) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks or patios, or to use water for similar purposes, provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate. However, any such facility's owner/operator shall ensure that water is not wasted.

(7) Operate or introduce water, except where such water is totally recycled, into any outdoor pool, pond, ornamental fountain or other structure making similar use of water.

(8) Serve drinking water in restaurants, cafeterias or other food establishments, except upon specified request.

(9) Use water from any public or private fire hydrants for any purposes other than fire suppression or other public emergency. Water use for normal maintenance of water and/or sewer lines is permitted.

(10) Use water for dust control or compaction; however, licensed contractors engaged in construction activities shall be permitted to operate essential dust control and compaction activities. Commercial, industrial and construction operations shall eliminate all waste of water.

(11) Use water for any unnecessary purposes or to waste water.

(c) *Stage III water shortage emergency: Mandatory water restrictions.*

(1) All use of water for purposes other than maintenance of public health and safety is prohibited.

(2) Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.

(3) Where the City system is not functional, National Guard, emergency service vehicles and private water sources may be utilized to distribute water for household use at prearranged locations within the affected area(s).

Sec. 1-5-5. Compliance with division.

Compliance with the provisions of this division shall be enforced by personnel of the director or his designee, the Saluda Police Department and other such personnel as designated by the Board. Failure to comply with any of the regulations of this division shall be unlawful and a violation of this division and all remedies authorized by law for noncompliance with this division, including the issuance of a civil citation as hereinafter set forth or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance herewith, to use water in any illegal manner or to attempt to evade or avoid such water restrictions.

Sec. 1-5-6. Signage.

A customer who has a City water service connection, but wishes to use water from a well or other non-City supply during a Stage II water shortage or Stage III water shortage emergency shall post a sign in a conspicuous place identifying the water use source as a non-City supply.

The owner of any such well may be requested by City personnel to demonstrate that the source of such water is not in any way connected to and does not use water originating from the City's public water system. During a Stage III water shortage emergency, the City reserves the right of condemnation of the well for public use.

Sec. 1-5-7. Enforcement and civil penalty.

(a) *Residential customers.* Any residential customer who shall violate any provision of this division shall be subject to civil penalties as follows: a fine which shall be paid within 48 hours of its assessment, or the City may terminate the water supply to the customer. Each violation of this division shall be considered a separate violation. Each violation for the various stages hereunder shall be considered a separate violation. Furthermore, any violation, which continues from day to day, shall be considered a separate violation for every such day.

(b) *Non-residential customers.* Any non-residential customer who violates any provision of this division shall be subject to a civil penalty. Each violation of this division shall be considered a separate violation. Each violation for the various stages hereunder shall be considered a separate violation. Furthermore, any violation, which continues from day to day, shall be considered a separate violation every such day.

(c) *Accumulation of violations.* For a period of 12 successive months, violations shall be accumulated by all customers so long as any of the stages set forth herein are in effect. Should a customer cease and renew services during the stages described herein, the customer's violation shall continue to accumulate as if such cessation had not occurred.

Sec. 1-5-8. Discontinuance of service.

(a) The director is herewith authorized to discontinue or restrict water service to a person in the event of a violation of the provisions of this division during a Stage II or Stage III water shortage. All applicable penalty fees (i.e. reconnect fee) may be applied in the event of service suspensions.

(b) No notice shall be required to discontinue or turn off outside water service, which is provided solely for lawn and shrubbery sprinkler systems, swimming pools or non-essential uses. City employees designated by the director are hereby authorized to enter into water customer's private property for such limited purposes.

(c) When a water service has been discontinued or turned off or while any stage of a water shortage is in effect, it shall be unlawful to reactivate such service without the permission of the director or his designee.

ARTICLE II. SERVICE AND BILLING RATES

Sec. II-1. Water and sewer charges generally.

Water charges, sewer charges, tap fees, connection fees, deposits and other related fees and charges shall be as indicated in the fee schedule.

Sec. 11-2. Use of meters.

(a) *Water charges.* The meter shall determine the quantity of water for which the consumer shall be charged.

(b) *Sewer charges.* All charges for wastewater collected from any consumer and discharged to the City sewer system shall be based upon the number of gallons per month delivered by the consumer at the point of connection to the City system. The number of gallons collected shall be determined by the readings of the consumer's water meter.

Sec. 11-3. Failure of meter to register; absence of meter.

Where any meter shall malfunction so that it does not register correctly the quantity of water which has passed through since the last reading, the quantity for the billing period during which the meter has failed to register shall be determined by taking an average of the water consumed during the three billing periods preceding the billing period in which the meter has failed to register, and the consumer or owner shall be charged for that quantity.

Sec. 11-4. Meters to be tested upon request of consumer.

Meters shall be tested by the City upon reasonable request by the consumer. The City may charge a fee for this service as indicated in the fee schedule.

Sec. 11-5. Sewer charges if no water meter.

Persons discharging sanitary wastewater into the sewer system who are not water customers of the City will be charged with an estimated volume of sewage at the domestic rates. If there is no meter or method of determining the amount of water consumed by such persons, it shall be presumed that there will be a minimum of 60 gallons of wastewater per person residing in the household, per day, discharged into the system.

Sec. 11-6. Connection fees.

(a) *Tap fee.* All new connections to the water or sewer system shall be charged a tap fee, which shall be determined by the size of the consumer's service line. Tap fees shall be determined by the Board and disclosed on the fee schedule. Additional charges for extraordinary work necessary to make a tap may be required in excess of the tap fee.

(b) *Payment in advance of connection.* All fees, as provided in the fee schedule, shall be paid in advance of the installation of the connection.

(c) All residents of areas statutorily annexed to the City shall qualify for waiver of the foregoing standard sewer tapping fees and charges provided such residents make proper application and complete connections within 12 calendar months of the date sewer utilities are available for tapping. The director shall provide written certification to Board of the date such utility lines become available for connection, thereby, fixing the date from which residents are allowed to connect without payment of connection charges. All residents who do not connect within the 12-month waiver period must pay all tapping fees and charges as indicated in the fee schedule.

Sec. 11-7. Line availability fees.

(a) Fees intended to allow the City or developers to recover a portion of the capital costs of providing access to the water system by extending its mains and lines shall be determined by the Board as disclosed on the fee schedule, and in compliance with the City's utility extension policy, as amended from time to time.

(b) Availability fees, when applicable, shall be paid in advance of the installation of the connection.

Sec. 11-8. Collection of water charges; penalties for failure to pay.

(a) All charges for water supplied by the City shall be made monthly and shall be due and payable in accordance with the due date printed on the bill.

(b) Customers shall adhere to the following billing schedule:

(1) Bills shall be due 30 days from the mailing date. If any charges shall remain unpaid after the due date of such charges, a late payment fee per the fee schedule will be applied to the account. This late payment fee will be applied without notice to the customer. **(amended 11/14/2022)**

(2) Any unpaid late payment fee and charges will be added to the following bill as a previous balance. If any previous balance and charges shall remain unpaid after the due date, a late payment fee per the fee schedule will be applied to the account. This late payment fee will be applied without notice to the customer. Customers with multiple utility accounts shall have unpaid balances removed from their inactive accounts and transferred to their active accounts to require payment. The transferred balance will be treated as a balance due and payment must be received to continue utility service. **(amended 4/12/2021)**

(3) A Notice of termination shall be mailed to the customer indicating disconnect orders will be given 10 days after the due date of the second bill. This notice shall inform the customer that service has been ordered terminated and provide the anticipated date of termination and how to prevent disconnection.

(4) Service Shall be cut off by locking or removing the meter.

(5) If water is disconnected, a non-payment cut-off fee will be applied to the account. **(amended 3/12/2018)**

(6) The outstanding balance, plus all penalties, shall be paid before service is restored. **(amended 3/12/2018)**

ARTICLE III. UTILITY EXTENSIONS

Sec. III-1. General policies regarding extensions.

(a) It shall be the general policy of the City to permit extensions of water and sewer service to areas within the City's corporate limits without restriction, provided that all applicable fees shall be paid and all construction shall adhere to the City's construction standards. The Board shall have the authority to reject plans for any extension which would not be in the best interest of the City.

(b) It shall be the general policy of the City to permit extensions of water and sewer service to areas outside the City's corporate limits only when such areas or developments simultaneously with the request for water and/or sewer service agree to petition the City for annexation, where practical, prior to the extension of such service. The Board shall have the authority to waive this requirement when annexation would be impractical, legally impossible, or would not be in the best interest of the City.

(c) The Board shall have the authority to make exceptions to these policies for reasons determined to be in the best interest of the City.

Sec. 111-2. Financing.

It shall be the general policy of the City that extensions of the water or sewer system shall be funded by those benefiting from the extension. Extensions may be financed by any of the following methods:

(a) Payment in full or part by the City when the Board determines such extension is in the best interests of the City and the water or sewer system. In such case, property owners shall be charged a line availability fee prior to connecting to each system.

(b) Assessment procedure as provided by G.S. 160A-216 et seq., in such case, property owners shall not be charged a line availability fee.

(c) Payment in full by a person desiring such extension, in which case such person shall not be required to pay the line availability fee for the line extended by such person.

(d) Payment in full by a person desiring such extension, subject to the reimbursement policy provided in this article. Such persons shall not be required to pay the line availability fee for the line extended by such person.

Sec. 111-3. Permit to lay water or sewer lines in the streets to connect to City mains.

(a) When water or sewer connections shall be desired for a property situated upon a street or a part of a street where no water or sewer line has been laid, and the City is unwilling to extend its system to the property, a property owner may make application to the City for permission to lay lines of pipe from the City's main to the property.

(b) The City may establish criteria for issuance of such permits, which criteria may include a distinction between properties within the corporate limits and those not within corporate limits, and shall include that:

(1) The applicant for whom the service is being extended shall employ at his expense a registered professional engineer to prepare plans and specifications for the proposed improvements and the same shall be submitted to the City for approval.

(2) The applicant shall engage a licensed and reputable pipeline contractor acceptable to and approved by the City to lay the proposed lines and appurtenances.

(3) The City shall inspect the pipeline during and after construction, and the City must be satisfied that the pipeline and appurtenances meet all City specifications for water system or sewer system construction, as the case may be, before the pipeline may be placed in service.

(4) As-built drawings of all line installations other than those which are metered and serve only private property be furnished the City on completion of the installation.

(5) The applicant shall pay all costs involved in making such extension; provided, however, that if the City, in order to provide for the anticipated needs of users beyond those needs which would normally be required for the purposes of the applicant, shall require the installation of a larger line than would otherwise be necessary, the City may contract with the applicant to reimburse the applicant for such portion of the costs as shall be attributable to the larger line required by the City, or may provide the applicant with a mechanism for reimbursement from intervening lot owners. Provided, further, that in every case where the City contracts to reimburse the applicant for a portion of the cost of the installation of the line, the applicant shall either follow the same procedure of advertising for bids and for the awarding of the contract as the City would be required to follow if the contract were being let by the City, or the City will pay the applicant the price difference based on invoiced pipe prices or the City may establish a flat rate based on previous bids.

(6) All mains or pipes of every description which are an extension of the City water or sewer systems, except those that are installed on building sites as connections with buildings, shall become the property of the City without cost to the City at such time as the construction is completed and accepted by the City, and that such mains shall be located within dedicated public rights-of-way, or within easements shown on a recorded plat, provided that such plats are recorded in the county registries of the counties in which the property is situated and provided that permission from the state department of transportation must be obtained and approved by the City before construction is commenced within the rights-of-way.

(7) Any subdivision to which or in which the water or sewer system is to be extended must be approved by the planning Board having jurisdiction and the director.

(8) All agreements with regard to water or sewer extensions of the City shall be approved by the City attorney as to form and legality.

(9) Lines to improved lots along a public or private road be extended to the point on the improved lot that is adjacent to the road and that is the greatest distance from the then existing City main.

Sec. 111-4. Reimbursement policy.

(a) When a person, sometimes referred to in this article as a "developer," desires to extend the water system or sewer system and such proposed extension will benefit owners of property other than the applicant, such applicant may also apply to the City to have the costs of such extension defrayed by the benefited property owners. Such application must be made and approved by the City prior to the commencement of work on the extension. The City may require a larger line than proposed by the developer as a condition to reimbursement. Nothing in this reimbursement policy shall relieve any owner or developer of property from payment of connection fees or other charges made in conjunction with extension of or connection to the water or sewer system.

(b) When installation of the lines is complete, the developer's engineer shall submit to the director, along with the as-built drawings for the project, documentation acceptable to the director of the actual unit price of items installed for the lines. The director will review the documentation and if acceptable, authorize reimbursement to the developer. Only the actual cost of labor and materials shall be included in the calculation of costs subject to reimbursement. Engineering costs shall not be subject to reimbursement. No interest on costs pending reimbursement shall be allowed. Only lines constructed in accordance with City specifications shall be subject to reimbursement. No lines less than eight inches in diameter shall be subject to reimbursement. In no event shall the developer be reimbursed for unreasonable costs. If the developer requests reimbursement for costs that are not actual, the Board, after a hearing at which the developer may attend and present evidence, may disallow all reimbursement.

(c) Should the City permit a developer to extend water or sewer lines in accordance with the provisions of this article, intervening benefited properties, as determined by the director, may be connected to the water or sewer system only upon payment to the City of the line availability fee, in accordance with the fee schedule. With approval of the director, line availability fees (but not tap fees) collected from intervening properties may be remitted to the developer annually for a period of eight years from the date of completion of the project, not to exceed, however, the actual costs in constructing the line, exclusive of the costs expended solely to serve the developer. If the City is required to repair the line at any time during the eight-year reimbursement period, the line availability fees received by the City shall be applied first to the cost of such repairs, and then to reimbursement of the developer's approved costs.

(d) All agreements between the City and any developer concerning the application of this reimbursement policy must be in writing, signed by the developer and the City.

Sec. 111-5. Extension to subdivisions.

The Board may in its discretion, as a condition under which water or sewer service may be extended, require the developer of a subdivision or proposed subdivision to enter into an agreement to improve the proposed streets therein at the developer's own expense and in accordance with construction standards then in force governing the acceptance of public streets for the City. This section shall apply to subdivisions either within or outside the City's corporate limits.

Sec. 111-6. Penalties.

(a) *Criminal.* Any person who violates any provision of this article or falsifies any information or data in any application, plans, reports, or other document given to the City shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G.S. 14-4.

(b) *Civil.* Any person who violates any provision of this article shall be subject to the imposition by the director of a civil penalty for each violation, and, in addition, reimburse the City upon demand for any expenses, loss or damage sustained by the City. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

ARTICLE IV. WASTEWATER DISPOSAL SYSTEM

Sec. IV-1. Purpose and scope of article.

(a) This article is intended to ensure beneficial service to users of the City sewer system, and the prevention of abuse thereof, recognizing that the physical facilities of the sewer system, including the trunk sewers, pump stations and force mains, the treatment plant and other support appurtenances are intended to transport, convey and treat sanitary wastewater and compatible industrial wastewater to produce a treated wastewater and byproduct sludge which may be released into the environment without adverse environmental impact.

(b) The objectives of this article and its elements are as follows:

(1) Elimination from the system of uncontaminated water, groundwater and stormwater which do not require extensive treatment.

(2) Elimination from the system of waste which will damage the system, or cause excessive wear, rapid deterioration or depreciation or excessive maintenance thereof, or which will endanger the safety of maintenance workers or the general public by its presence, or which cannot be economically treated, and/or which will cause a malfunction or breakdown of the treatment process and result in the water effluent and byproduct sludge being an environmental hazard.

(c) No statement contained in this section shall be construed as prohibiting any special agreement or arrangement between the City and other persons whereby an industrial waste of unusual strength or character may be admitted into the system.

Sec. IV-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approval authority means the director of the state department of natural resources and community development, division of environmental management.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to a sewer service line, beginning five feet (1.5 meters) outside the inner face of the building wall.

Compatible wastewater means wastewaters with only those polluting constituents which are susceptible to adequate treatment in the treatment system works, without harm to the sewerage system. The term "compatible constituents" has like meaning with reference to individual wastewater parameters.

Connecting sewers means public sewers connecting to the public sewer system.

Director means the director of the public sewer system or his authorized representative(s).

Fee schedule means a schedule of fees and charges for sewer usage and services to be provided by the City with respect to the sewer system, as adopted and amended from time to time by the Board. **(amended 3/12/2018)**

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Incompatible wastewater means wastewater containing constituents or characteristics which render it unsuitable for transport or treatment in the sewerage system. The terms "incompatible constituents" and "incompatible characteristics" have like meaning with reference to individual wastewater parameters. Incompatible constituents and characteristics include water parameters. Incompatible constituents and characteristics include the elements listed in prohibitions and may include other elements so identified by the director and specified in the user's service permit.

Industrial wastes and *high strength wastes* mean the liquid wastes from industrial manufacturing processes, trade or business, or any high strength wastewater, as distinct from sanitary wastes. Sanitary wastes are defined as wastewaters originating from domestic sources.

Nonmunicipal means any user of sewer service other than a customer discharging normal sanitary (domestic) wastewater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Refractory, in reference to chemical wastewater constituents, means resistant to treatment or difficult to degrade by biochemical processes.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Scavenger wastes means contents of privies, septic tanks or cesspools, industrial wastes, chemical compounds and sludges which are hauled by truck or other mobile conveyance.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewer service line means the extension from a building drain to the public sewer or other place of disposal; also, a lateral connection.

Sewerage system means all facilities for collecting, pumping, treating and disposing of wastewater.

Storm drain and *storm sewer* mean a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

System means the sewerage system of the City.

User means any person using the services of the City for conveyance or treatment of wastewater.

Wastewater means any waterborne suspension, slurry or solution of any materials in water which serves the purpose of carrying away unwanted materials from the source. *Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

Sec. IV-3. Connection to City system required.

(a) All developed property within the City limits and located within 500 feet of a City sewer line shall be connected therewith, and the property owner shall be charged the prescribed tap fee for all such connections. Such connection shall be made in accordance with the provisions of this article within 90 days after the date of official notice to connect.

(b) Improved property served by wells and annexed by the City shall be connected to the City sewer systems, if within 500 feet, within five years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the City's water system.

(c) Except as provided in this article, 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.

(d) No substance, either liquid or solid, shall be put into the public sewer system at any manhole or in any other way than through a proper connection, unless done so in compliance with this article and the conditions of a validly issued permit by the City for that purpose.

Sec. IV-4. Installation of connections; connections to substandard property.

(a) *Connections to be made by City personnel or authorized contractor.* All connections to sewer main lines and the installation of lateral connections to the edge of the public right-of-way in which the main line is located shall be performed only by City personnel, or, if specifically approved by the director, by a licensed contractor under the supervision of the director.

(b) *Connections to substandard property.* Sewer connections will not be made to any existing vacant substandard property or any substandard property becoming vacant until such time as the property has been inspected and brought into compliance with the City codes and a certificate of occupancy issued.

(c) *Unauthorized tampering.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance.

(d) *Payment of costs of connection.* All costs and expenses incident to the installation and connection of a sewer service line shall be borne by the owner.

(e) *Separate service line required for each building; exception.* Unless otherwise authorized by appropriate authority, a separate and independent sewer service line 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, courtyard or driveway, the sewer service line from the front building may be extended to the rear building and the whole considered as one sewer service line.

(f) *Use of old service lines.* Old sewer service lines may be used in connection with new buildings only when they are found upon examination and test by the City to meet all requirements of this article.

(g) *Specifications for connections.* The size, slope, alignment and materials of construction of a sewer service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City and the state. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(h) *Elevation of service line.* Whenever possible, the sewer service line shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sewer service line.

(i) *Connection to downspouts and sources of runoff.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a sewer service line or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(j) *Conformance with rules and regulations.* The connection of the sewer service line into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made watertight. Any deviation from the prescribed procedures and materials must be approved by the director.

(k) *Inspection and supervision of connection.* The applicant for a sewer connection shall notify the building inspector when the sewer service line is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representatives.

(1) *Excavations.* All excavations for sewer service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Sec. IV-5. Wastewater monitoring facilities.

All persons discharging or proposing to discharge industrial wastewaters to the public sewer shall provide facilities for access to the sewer service line carrying industrial wastewater for the purposes of flow measurement and sampling by the City, as required by the director. A person discharging industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the sewer service line to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. IV-6. Wastewater pretreatment facilities; grease traps.

(a) Persons desiring to discharge to the public sewer industrial wastewaters which are incompatible with the system shall construct and operate pretreatment facilities to bring the wastewater to a condition and quality which is compatible with the sewerage system prior to discharge to the sewer. Facilities such as grease and oil interceptors, grit traps, and flow equalization basins and controls shall be considered pretreatment facilities, as well as all other facilities designated to eliminate incompatible characteristics and/or reduce wastewater loads of compatible characteristics.

(b) Every place of business that is to be used as a commercial establishment for serving food to the general public and that is connected to the public sewer system shall be equipped with a fully functioning grease trap approved by the appropriate health department and the director during any time that the place of business is used for such purpose.

(c) The user shall obtain approval from the director of the plans and specifications for the pretreatment facilities prior to construction of pretreatment facilities, shall construct such facilities at his expense, and shall operate and maintain such facilities to meet conditions of his approved sewer connection service permit.

Sec. IV-7. Permissive use of system; additional regulations.

(a) Persons within or without the City are subject to regulations of the City, the county department of health, and the state department of natural resources and community development, division of environmental management, for proper handling of wastes and wastewaters accepted into the public sewers.

(b) Such persons may apply to the City for discharge of sanitary and compatible wastewaters into the sewerage system, by procedures outlined in this article.

Sec. IV-8. Prohibited discharges.

No person shall discharge or cause to be discharged any incompatible wastewaters or wastes to any public sewers, including the following:

(a) The discharge of sanitary wastewater into a storm sewer system. This is prohibited without exception.

(b) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Unpolluted cooling waters may, upon written application and approval by the director, be discharged to storm sewers or storm drains.

(c) Waters or wastes containing substances which are not amenable to treatment or removal by the waste treatment processes employed or are amenable to treatment only to such degree that the waste treatment plant effluent and sludge outputs cannot meet the requirements of the state department of natural resources and community development, division of environmental management, permits applicable to plant operations.

(d) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create a public nuisance.

(e) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solid or gas.

(f) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(g) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. IV-9. Restricted discharges.

No person shall discharge or cause to be discharged the following described prohibited substances, materials, waters or wastes if it appears likely in the opinion of the director that such wastes can harm either the sewers, sewage treatment process or equipment, can have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 104 degrees Fahrenheit (40 degrees Celsius).

(b) Any waste or water containing fats, wax, grease or oil in excess of 100 mg/a (per NCDEM), as determined by results of the freon extractable test, and the reasonable interpretation of test results, and/or auxiliary tests, to exclude from the measurement values which do not represent fats, wax, grease and oil.

(c) Any garbage other than ground residential garbage.

(d) Any acidic or alkaline wastewaters having pH values outside the range of 5.0 to 10.0.

(e) Heavy metals and toxic, refractory or organic chemicals in concentrations or quantities sufficient to limit treatment plant capability or efficiency, to adversely affect effluent quality by their presence or effects, or to limit the means of disposal or utilization of treatment plant sludge by their presence. The director may issue lists of prohibited metals and toxic chemicals and guidelines and criteria for limiting their acceptance as required for operation of the treatment system.

(f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed public safety limits or cause the plant effluent or sludge to exceed any applicable state or federal regulations.

(g) Any materials which exert or cause:

(1) Unusual oxygen demand or chlorine demand in such amounts as to constitute a significant load or an operating problem.

(2) Excessive discoloration of treatment plant effluent.

(3) Unusual odors in the treatment plant effluent or unusual odors in the sewerage system.

Sec. IV-10. Limitations on compatible wastes.

(a) No person may discharge large quantities of compatible wastewaters to public sewers which, by reason of volume, flow rate, concentration or total load of compatible constituents, are in excess of the capacity of a part of the sewerage system or are inconsistent with the most beneficial use of the system in the opinion of the director. In consideration of these factors, the director will limit the following:

(1) Volume and flow rate from any individual source to the capacity of sewers, pump stations and force mains and the treatment system, less the capacity committed to serve the general public and other users and the reserve capacity to serve anticipated needs of the general public until the time of a planned expansion of the facilities.

(2) Loads of compatible pollutants, such as BOD, suspended solids, nitrogen and phosphorus, from any individual source, to the capacity of the treatment facilities, less the capacity committed to serve the general public and other users and the reserve capacity to serve the anticipated needs of the general public until the time of a planned expansion of the treatment facilities.

(b) The director may require flow equalization or pretreatment for load reduction as a condition of a service permit or he may decline to receive high loads or highly concentrated wastewaters into the system if in his opinion this would not be the most beneficial use of the system, by reason of the cost of services, technical considerations relating to operation and maintenance of the system or conflicting alternatives for the provision of services.

Sec. IV-11. Compliance with federal and state standards; dilution of discharge.

(a) *Applicability of federal pretreatment standards.* Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.

(b) *Modification of federal pretreatment standards.* Where the City's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the federal pretreatment standards. For purposes of this subsection, consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403, "General Pretreatment Regulations for Existing and New Sources of Pollution," section 403.7(c)(2), promulgated pursuant to the act. The City may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, part 403, section 403.7, are fulfilled and prior approval from the approval authority is obtained.

(c) *Applicability of state requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

(d) *Dilution of discharge.* No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or the state.

Sec. IV-12. Accidental discharges.

(a) *Facilities and procedures.* Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users, if applicable, shall complete such a plan within 180 days of adoption of the ordinance from which this article derives. No user who commences contribution to the system after effective date of the ordinance from which this article is derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of accidental discharge, it is the responsibility of the user to immediately telephone and notify the treatment plant of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) *Written notice to director.* Within five days following an accidental discharge, the user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the system, fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(c) *Notice to employees.* A notice shall be permanently posted on the user's bulletin Board or other prominent place advising employees whom to call in the event of an accidental or dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. IV-13. Administrative procedures; enforcement; penalties; damaging or tampering with facilities.

(a) *Duties and authority of inspectors.*

(1) The director and other duly authorized employees properly identified by credentials of appointment and identification shall act as inspectors. Inspection shall also be allowed by appropriate state and federal agencies. It shall be the duty of the inspector to make inspections, observations, measurements, sampling and testing in accordance with the provisions of this article. Such inspector shall have no authority to inquire into any industrial process or to require or request the disclosure of any trade secrets beyond

that point having a direct bearing on the kind or source of discharge to the sewers or waterways or other facilities of the City.

(2) Such inspectors shall have the right to enter upon real property over and through which the City has acquired an easement for the installation and maintenance of the sewer lines and facilities, and, in addition, they shall have, along with proper municipal inspectors, the right to go upon the property of individuals or industrial users of the system as provided in the service agreement mentioned in this article, for the purpose of determining compliance with the provisions of this article. All nonmunicipal sewer users shall execute, as a requirement for service, an agreement allowing sewer inspectors to enter upon the premises for the purpose of inspecting individual sewer collector lines, during reasonable times, so as to verify compliance with the terms and conditions of such service.

(3) While performing the necessary work on private properties referred to in this section, any inspector shall observe all safety rules applicable to the premises established by any commercial or industrial user.

(b) *Damaging or tampering with facilities.* It shall be unlawful and a violation of this article for any person to damage, destroy or tamper with any gauges, meters, lines, manholes and their covers, equipment, pumps, electrical connections, lift stations, or any appurtenances to the sewer lines of the City, and, in addition to the civil responsibility for any damage caused or occasioned by such person, such offender shall be liable for imposition of the penalties as provided in this section. It shall likewise be a violation of this section for any person to aid, assist, abet or permit a minor child to violate the provisions of this article, and such person shall be liable as a principal and subject to the identical penalties as to which any violator of this article would be liable.

(c) *Penalties.*

(1) *Criminal.* Any person who violates any provision of this article or falsifies any information or data in any application, plans, reports, or other document given to the City shall be guilty of an unlawful act, punishable by fine or imprisonment, or both, as provided in G.S. § 14-4.

(2) *Civil.* In addition to the criminal penalty set forth above, there shall also be levied a civil penalty and the offender shall reimburse the City upon demand for any and all expenses, losses, damages, fines and/or penalties that the City suffers as a result of such violation. A civil penalty shall only be assessed after the City has given the alleged violator notice of the violation, and a hearing before the director, if requested. The purpose of the hearing is to allow the alleged violator to show cause why the contemplated action should not be taken.

(d) *Additional rules and regulations.* In order to carry out the terms of this article, the City may promulgate such rules and regulations as deemed necessary, and the director is likewise vested, subject to ratification of the Board, with authority to act on behalf of the City in providing for the safety, maintenance, good order and proper function of the facilities of the City.

(e) *Application for connection; service permit.*

(1) Application for connection to the City sewer system shall be made on the City's form, together with supporting reports and data sufficient to ensure compliance with relevant terms of this article. The minimum requirement shall be that all information requested on the application be supplied, and all irrelevant information blanks be marked

as "not applicable." The director may request any additional information he deems necessary, within the scope and intent of this article. Persons requiring guidance in making application may consult the director. The approval of a sewer connection application shall constitute the issuance of a service permit.

(2) An approvable service permit or information necessary to support an approvable application must be submitted to the director before approval will be issued to any person proposing to discharge industrial wastewaters to public sewers.

(3) Service permits shall specify quantities and characteristics of industrial wastewaters which may be sewerred and shall be limiting where so specified. Service permits may specify special conditions and agreements between the user and the City. Service permits shall serve as a contract between the user and the City. If deviation from terms of a service permit is anticipated or experienced by the user or the City, each party shall immediately notify the other, in writing, specifying the nature and extent of the change in sufficient detail that a new or modified service permit may be issued, or the service permit cancelled, whichever may be appropriate.

(4) Permits for any users, other than normal sanitary wastewater, shall be issued for a specified time period not to exceed five years. The user shall apply for permit reissuance a minimum of 180 days prior to expiration.

Sec. IV-14. Users obtaining water from well.

When any water obtained from a well is to be disposed of into the City sanitary sewer system, a suitable water meter shall be installed by City personnel at the well head and the owner of the well shall be charged the regular sewer charge based on the full amount of the water so metered. The prescribed water tap fee shall be charged for any such meter installation.

Sec. IV-15. Private sewage disposal systems.

(a) *Use generally.* Where a public sanitary sewer is not available, the sewer service line shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) *Permit.* 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 plans, specifications and other information as are deemed necessary by the sanitarian.

(c) *Inspection.* 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 48 hours of the receipt of notice by the sanitarian.

(d) *Specifications.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of natural resources and community development, 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 12,000 square feet. No septic

tank or cesspool shall be permitted to discharge to any public sewer, open drain, ditch, stream or well penetrating water-bearing formations.

(e) *Connection to public sewer.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article at the first malfunction of the private system; and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) *Operation and maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) *Additional requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the county sanitarian.

Any ordinances, parts of ordinances, or City policies, including but not limited to the City of Saluda Water and Sewer Policy originally adopted on February 13, 2006, and any amendments thereto, in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect as an ordinance of the City of Saluda from and after the date of its adoption by the Board of Commissioners this 12th day of March 2018.

[Ord. 0-15-01, passed 03-09-15; Am. Ord No. o-15-03, passed 05-11-2015, Ord No. _____, passed 03-12-2018, Ord No. _____, passed 11/14/2022]

ATTEST:

Pamela S. Waters, City Clerk (SEAL)

Tangie Morgan, Mayor

APPROVED AS TO FORM:

Jana Berg, City Attorney