

## **ONSWLOW WATER AND SEWER AUTHORITY**

### **UTILITY ORDINANCE**

**WHEREAS**, the Onslow Water and Sewer Authority (the “Authority” or “ONWASA”) is a body politic and corporate of the State of North Carolina created pursuant to Chapter 162A of the North Carolina General Statutes; and

**WHEREAS**, The Authority operates water and sewer utility systems in Onslow County, North Carolina; and

**WHEREAS**, The Authority desires to adopt an ordinance establishing rules and regulations, user rates and other charges which are sufficient for the Authority to operate and maintain its utility systems on a financially self-sustaining basis and to assure continuous, uninterrupted utility service.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ONSLOW WATER AND SEWER AUTHORITY DO TH ORDAIN**

#### ARTICLE I - General

##### Section 1.1 - Definitions

The following words as used in this Utility Ordinance (the “Ordinance”) shall have the following meanings. Additional terms are defined herein and in the articles herein.

Aesthetically objectionable water - shall mean water containing substances which, if introduced into the public water supply system, could be a nuisance to other water consumers but would not adversely affect human health. Examples of such substances are food grade dye, silica, iron and stagnant water from fire lines in which no chemical additives are used, etc.

Air Gap Separation - shall mean a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap separation” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel - in no case less than one (1) inch (2.54 cm).

Allocation - shall mean a conditional designation of estimated sewer treatment or water capacity to a specific owner and project, subject to the provision of this Ordinance and any document of approval.

Allocation Phase - shall mean a provision included as part of an allocation to a specific development that defines the amount of the total allocation which may be used at a specified time.

Approved - means meets or exceeds the applicable specifications and standards set forth by the Authority, entities that establish industry standards including the University of Southern California Foundation for Cross-Connection and Hydraulic Research (USC), American Water Works Association (AWWA), and American Society of Sanitary Engineers (ASSE) and all regulatory agencies including North Carolina Departments of Environment Quality (NCDEQ), Transportation (NCDOT), and Environmental Health (NCDEH)

Authority Utility Facilities - shall mean all parts of the Authority’s water and sewer utility system and generally includes water lines, sewer lines, treatment facilities, pump stations, hydrants, water meters,

meter boxes, cut-off valves and other facilities related to providing water and wastewater utility service but excluding any Owner Service Facilities as defined below.

Backflow - shall mean the reversal of flow of non-potable water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumers' or public potable water system from any source or sources.

Backflow Prevention - shall mean the act of preventing any actual or potential waterborne disease, organism, contaminant, or pollutant through a direct or indirect cross-connection by isolating or containing it with the use of assemblies, devices, methods, and procedures.

Backflow Prevention Assembly Approved - shall mean an assembly, used for containment and/or isolation purposes to prevent backflow into a consumer or public potable water system, that has been investigated and approved by the Authority. The type of assembly used should be based on the degree of hazard, either existing or potential. The types are:

(a) Double Check Valve Assembly (DCVA):

(b) Double Check Detector Assembly (DCDA); Pressure Vacuum Breaker (PVB); and

(c) Reduced Pressure Principle Assembly(RP); and

Reduced Pressure Principle Detector Assembly (Fire System) (RPDA)

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

(d) Poor performance standards

(e) Lack of or unavailability of repair parts; or

(f) Poor service or response from assembly's factory representative

Backflow Prevention Assembly Certified Tester - shall mean a person who has proven their competency to the Authority. Each person who is certified to make competent tests or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations. Each person shall have qualifications acceptable to the Authority, and must hold a certificate of completion from a North Carolina AWWA/WEA approved training program in Backflow Cross-Connection Prevention.

Back-Pressure Backflow - shall mean an elevation in the consumer's water system pressure by a pump, elevated tank, boiler, or other means that could create a pressure greater than the supply pressure at the point of delivery which would cause – or tend to cause – a reversal of the normal direction of flow.

Back-Siphonage Backflow - shall mean a reversal of the normal direction of flow in the pipeline due to negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Building Sewer - shall mean the private plumbing pipes or any other plumbing facilities of an Owner pursuant to which wastewater is discharged from the Owner's premises to Authority Utility Facilities.

Check Valve Approved - shall mean a check valve that is drip tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet pressure is zero. The closure element shall be internally loaded to promote rapid and positive closure.

Commercial Meter - shall mean a meter serving multiple units that will remain indefinitely under one common ownership or large commercial building as set forth in Article II, Section 2.1.

Consumer - shall mean any person, firm, or corporation using or receiving water from the Authority's water system.

Consumer's Water System - shall mean any water system commencing at the Point of Delivery and continuing throughout the consumer's plumbing system, located on the consumer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Consumer's Potable Water System - shall mean the privately owned potable water system lying between the Point of Delivery and point of use and/ or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water

Containment - shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contaminant - shall mean any physical, chemical, biological, or radiological substance or matter in water.

Contamination - shall mean an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of a Contaminant.

Cooking Establishments - shall mean those establishments primarily engaged in the activities of preparing, serving, or otherwise making available food for consumption and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and which discharge wastewater to the Authority's system. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

Cross-Connection - shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contaminant or pollutant, into the potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivels or change over devices, and other temporary or permanent devices through which, or because of which, "backflow" can or may occur are cross-connections.

Cross-Connection Control - shall mean the use of assemblies, devices, methods, and procedures to prevent contamination or pollution of a potable water supply through cross-connections.

Direct Cross-Connection - shall mean a permanent connection with a physical link between the drinking water supply and a non-potable source.

Double Check Valve Assembly - shall mean an assembly composed of two (2) single independently acting approved check valves, including tightly closing shut off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall be used to protect against a non-health hazard (Hazard, Non-Health).

Double Check Detector Assembly - shall mean a specifically designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. This assembly shall only be used to protect against a non-health hazard (Hazard, Non-Health).

DWQ - shall mean the Division of Water Quality which is part of the North Carolina Department of Environment and Natural Resources, or its successors.

Enclosure - shall mean a physical above ground apparatus used to help prevent a backflow preventer from freezing and is ASSE 1060 approved.

Executive Director - shall mean the Authority's Executive Director, its chief administrative officer.

Fats, Oils, and Greases (FOG) - shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases."

Flex Space - shall mean any Commercial facility or system which has the potential to change its use frequently without sufficient notice for inspection and poses a hazard; e.g., strip malls and shopping plazas.

Food Preparation or Serving Facility - shall mean any commercial or industrial facility that prepares or serves food, including but not limited to a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment that discharges wastewater to the Authority's system.

Grease Trap or Interceptor - shall mean a device for separating and retaining waterborne Grease and Grease complexes prior to the wastewater exiting the trap and entering the Authority sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Interceptors."

Grinder Pump System – shall mean a residential sewage collection and discharge system that includes a simplex grinder pump and storage basin, discharge service force main and all appurtenances, electrical control panels and any other associated items necessary for the installation and operation of these systems whose sole purpose is for the collection and discharge of wastewater from private residences to the Authority's public force main. Grinder pump systems connecting to gravity sewer mains or services are considered private systems and are, therefore, excluded from the requirements set forth in this ordinance.

Hazard, Health - shall mean an actual or potential threat of contamination or pollution of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.

Hazard, Non-Health - shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health. Examples include taste, smell, aesthetics, etc.

Hazard, Pollution - shall mean an actual or potential threat to the quality or the potability of the public or the consumer's potable water system, but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances. Examples include iron, calcium, silica, low level sulfur, etc.

Hazardous Facility - shall mean one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse effect on the health of other water consumers. Examples of such facilities are laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries, irrigation systems, etc.

Health Agency - shall mean the North Carolina Department of Environment and Natural Resources; Division of Environmental Health.

Industrial Fluids - shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, etc.

Industrial Piping System - shall mean any system used by the consumer for transmission, confinement or storage of any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey or store substances, which are or may be polluted or contaminated.

Irrigation Service - shall mean water service used for irrigation.

Isolation - shall mean the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. The Authority may make recommendations, upon facility inspection, as to the types of isolation devices/assemblies to be used, but does not assume or have any responsibility whatsoever for such installations.

NCDEQ - shall mean the North Carolina Department of Environment Quality or its successors.

Non-Cooking Establishments - shall mean those establishments primarily engaged in the preparation of pre-cooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

Non-Potable Water - shall mean water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption

Owner - shall mean the fee simple owner of real property whose premises is or can be provided utility service by the Authority.

Owner Service Facilities - shall mean the water service facilities owned by an owner and commencing at the connection on the Owner's side of the Authority's meter and servicing the premises of such Owner, including pipe, private cut-off valves, Backflow Prevention Assembly, pressure reducing valve and other components and (ii) the Building Sewer running from the Owner's premises to the sewer tap provided by the Authority to which an Owner connects private plumbing.

Person - shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

Plat Review Fee - shall be a fee for reviewing and approving plats submitted for signature accepting dedication of utilities constructed by a Developer and approved by the Authority.

Plumbing Hazard - shall mean a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an air gap separation, double check valve assembly, a reduced pressure principle assembly, or other approved backflow prevention devices.

Point of Delivery - shall generally be at the property line of the customer where the meter is situated, adjacent to the public street where the Authority's main is located. This shall be where the Authority loses jurisdiction and sanitary control over the water system infrastructure, and where the customer becomes responsible for all water piping, control devices, etc. located on his side of the point of delivery.

Point of Discharge - shall generally be at the property line of the customer where the sanitary sewer cleanout or commercial grinder pump station valve box is situated, adjacent to the public street where the Authority's main is located. For single residences served by a grinder pump station that connects to a sewer force main, the Point of Discharge shall be located at the point where the building sewer connects to the wetwell. This shall be where the Authority loses jurisdiction and sanitary control over the sewer system infrastructure, and where the customer becomes responsible for all piping, control devices, etc. located on his side of the point of delivery.

Pollutant - shall mean a substance that deteriorates the aesthetic quality of water or other materials but is not harmful to health. Pollutants are considered non-health hazards or low hazards.

Pollution - shall mean an impairment of the quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Potable Water - shall mean water from any source that meets the Safe Drinking Water Standards and, has been investigated by the North Carolina Department of Environmental Health and Natural Resources and ONWASA, and which has been approved for human consumption.

Public Potable Water System - shall mean any publicly or privately-owned water system operated as a public utility, under a current North Carolina Department of Environmental Health and Natural Resources permit, to supply water for public consumption or use. To include all sources, facilities, and appurtenances, between the source and the point of delivery such as valves, pumps, pipes, conduits,

tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

PWS - shall mean the Public Water Supply Section which is a part of the North Carolina Department of Environment and Natural Resources, or its successors.

Rate and Fee Schedule - shall mean the Rate and Fee Schedule adopted by the Authority from time to time setting forth the rates and charges imposed by the Authority. The type of rates and charges which the Authority currently imposes are defined in Article IV hereof.

Reduced Pressure Principle Backflow Prevention Assembly - shall mean an assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. This unit shall include tightly closing shutoff valves located at each end of the device and properly located test cocks. The assembly is designed to protect against a health hazard.

Reduced Pressure Principle Detector Assembly - shall mean a specially designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. This assembly shall be used to protect against health hazard.

Service Connection, Water - shall include the tap, service piping, water meter, etc. installed from the public potable water system to the Point of Delivery

Service Connection, Sewer - shall include the tap, service piping, etc. installed from the public sanitary sewer main to the Point of Discharge.

Temporary Cross-Connection - shall mean a link between the potable water supply and any other non-potable system created with removable sections, swivel or change-over devices, garden hoses, and other non-permanent methods.

Test Cocks - shall mean an instrument or valve on a backflow prevention assembly used to test the assembly.

Unit - shall be a single, stand-alone commercial establishment, or same located within a larger structure such as a strip-mall or multi-storied commercial building; or a residence such as a house, townhouse, condominium, apartment, mobile home, or room(s) within a large structure that provides a space for occupants making up a single household to live and eat. For a room or apartment to be defined as a housing unit, it must be distinctly separated from other living spaces within the building. It must be directly accessible from an outer door or through an interior door in a shared hallway rather than by walking through another household's shared hallway or through another household's living space.

User - shall mean any person, including those located outside the jurisdictional limits of ONWASA, who contributes, causes, or permits the contribution or discharge of wastewater into the ONWASA sewer

collection system, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

Vacuum Breaker Atmospheric Type (AVB) - shall mean a device containing a float check, a check seat, and an air inlet port. An atmospheric vacuum breaker is designed to protect against a non-health hazard under a back siphonage condition only.

Vacuum Breaker Pressure Type (PVB) - shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is designed to protect against a health hazard under a back siphonage condition only.

Vehicle Maintenance Facility - shall mean any commercial or industrial facility where automobiles, trucks, or equipment are serviced or maintained, including garages, service stations, repair shops, oil and lubrication shops, or similar establishments.

Waterborne Disease - shall mean any disease that is primarily transmitted through water.

Water Purveyor - shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.

Water Supply, Approved - shall mean any public potable water supply which has been investigated and approved by ONWASA and the North Carolina Department of Environment and Natural Resources.

Water Supply, Auxiliary - shall mean any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public water supply or any natural source such as a well, spring, river, stream, etc., or "used water", or "aesthetically objectionable water" and constitute an unacceptable water source over which ONWASA does not have sanitary control.

Water Supply, Unapproved - shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environment and Natural Resources.

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

#### Section 1.2 - Administrative Authority

The Executive Director is responsible for administering, implementing and enforcing all provisions of this Ordinance. The Executive Director may exercise discretion when necessary to administer these provisions. Any powers granted to or imposed upon the Executive Director may be delegated by the Executive Director to other Authority personnel.

#### Section 1.3 - Applicability

This Ordinance, as amended, shall be binding on every Person utilizing utility service from the Authority, connecting to any of the Authority's utility lines, or otherwise utilizing the Authority's water or sewer systems.

#### Section 1.4 - Amendments

The Authority may from time to time amend this Ordinance. No promise, agreement or representation by any agent or employee of the Authority shall be construed as amending this Ordinance or be binding upon the Authority. No agreement of the Authority shall be binding unless in writing, approved by the Authority Board and signed by its Chairman or the Chairman's designee, or the Executive Director when delegated this authority by the Board of Directors of the Authority, and is legal in all respects.

#### Section 1.5 - Application for New Service

Any Owner desiring new water and/or sewer service must submit an application to the Authority upon forms to be supplied by the Authority, setting forth the type of service requested, the location of the property to be served, and such other information as the Authority may require. The application must be accompanied by a valid government issued photo identification, copy of a valid building permit or certificate of occupancy for the premises to be served issued by the governmental authority having jurisdiction to issue such documents; provided, however, that such documents shall not be required for existing structures which are legally occupied. The Authority may require additional information when a customer intends to use water for other than household purposes or to discharge other than domestic strength (household) wastewater or when the Authority deems such additional information necessary for the proper operation of its utility systems.

#### Section 1.6 - Application for Existing Service

Existing service is defined as a water or sewer service that has been previously in service.

#### Section 1.7 - Initial Fees

An application for new utility service shall be accompanied by a valid government issued photo identification, any applicable Application Fee, Security Deposit, System Development Fee, Inspection Fee and other required fees and charges. For applicants for single family residences who are over the age of 65, payments of the System Development Fee may be made semi-annually or monthly over a five-year period with the signing of a deferred payment agreement. Failure to make any payment or payments under the payment agreement for any reason, including death of the applicant, shall result in suspension of the utility service, and Section 10.6 herein shall apply.

#### Section 1.8 - Rejection of Application

The Authority may reject an application for utility service if:

- (a) The application seeks service not within the classifications of utility serviced offered by the Authority at the applicant's service address.
- (b) The providing of utility service involves excessive service costs or is otherwise not feasible.
- (c) The provision of utility service may adversely affect the quality and quantity of utility service the Authority is able to provide to its existing customers.
- (d) The application is from a prospective customer who intends to resell water.
- (e) The applicant is delinquent in payment of bills incurred for service previously supplied at the location for which utility service is sought or at any other location.
- (f) For any other good and sufficient reason.

(g) Any application for Irrigation Service may be rejected for any reason.

#### Section 1.9 - Transfer of Existing Service

Before transferring existing utility service from one customer to another, the Authority may require that any outstanding utility bills of the new customer at another location be paid before making the transfer. The transference of sewer service for properties with residential grinder pump systems shall not be permitted without the new customer signing a Grinder Pump Sewer Service Agreement.

#### Section 1.10 - Control and Maintenance of Authority Equipment/Damage

The Authority Utility Facilities shall be under its exclusive control, and no Person, other than authorized employees, agents, and contractors of the Authority or licensed contractors authorized by the Authority, shall install, tap into, repair, change, tamper or interfere with them in any way. The Authority will specify the location, size, kind and quality of all materials constituting the Authority Utility Facilities. It is unlawful for any person to alter, tamper with or bypass a water meter or to knowingly use water passing through such a tampered meter or water bypassing a meter, for any unauthorized person to reconnect water connections or otherwise turn on water that has been disconnected or turned off by the Authority, and for any Person to contaminate a public water system or to damage or tamper with public utility facilities per N.C. Gen. Stat. § 14-151.

As provided by N.C. Gen. Stat. § 14-151, any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the water consumed or which would cause the water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate or the violation of this section by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered, or diverted water. Such damages shall include but not be limited to the costs of investigation, expert fees, tests and analyses, labor and materials, and reimbursement for lost revenues due to water loss. An amount up to triple the cost of repairs (including lost water) or five thousand dollars (\$5,000.00), whichever is greater, shall be paid prior to restoring service after the amount of the cost of the repairs is ascertained by the Authority. The cost of such repairs shall be determined by the Authority's Rate and Fee Schedule, where applicable. In addition to other remedies, the Authority may recover the amount due pursuant to this Section in a civil action to recover those funds.

No Person shall plant shrubs, bushes, trees or other vegetation, erect any fence or other structure, or maintain any pet in a fashion that will hinder or prohibit access of the Authority to its facilities, including meter boxes and residential grinder pump systems, or to otherwise endanger Authority personnel. No Person unauthorized by the Authority shall turn on or turn off water supplied by the Authority.

#### Section 1.11 - Owner Service Facilities

No Person shall connect Owner Service Facilities or discharge to the Authority Utility Facilities without first obtaining the permission of the Authority. In certain instances, a Person may be required to obtain a wastewater discharge permit from the Authority before connecting and discharging.

Where the Authority makes the connection, the applicant for connection shall pay a Tap Fee (plus other applicable fees). Where the Authority does not install the connection either for an individual property

or for a development project, the applicant for connection shall engage a NC State licensed utility contractor approved by the Authority to install the connection. All costs and expenses of connection shall be borne by the applicant and the applicant shall pay an all applicable fees pursuant to the Authority's Rate and Fee Schedule.

Owner Service Facilities shall be installed and maintained in good order and repair at no cost and expense to the Authority, but shall be subject to inspection and approval by the Authority before service is connected. Owner Service Facilities shall be installed in accordance with this Ordinance, Authority specifications, and applicable governmental building/plumbing codes. The Authority does not assume responsibility for inspecting Owner Service Facilities or for any defects therein.

#### Section 1.12 - Access

The Authority, its agents, contractors and employees shall have access to premises receiving utility service for inspecting, operating and maintaining the Authority's utility systems.

#### Section 1.13 - Non-Domestic Use

When an Owner of an improved lot desires to obtain water for a non-domestic process, or discharge wastewater from a non-domestic process, and the Owner has installed or proposes to install facilities for non-domestic use separate from plumbing installed for domestic use, and any plumbing for domestic use is connected to Authority Utility Facilities, then the Executive Director, at his discretion and on terms and conditions acceptable to the Authority, may permit the use of Authority Utility Facilities for non-domestic purposes. Such facilities for nondomestic use shall conform to all applicable practices, procedures and regulations, including permit requirements, established by all applicable regulatory agencies. The term "domestic use," as stated in this section, shall include all water and/or sewer used in conducting normal human living processes. Normal human living processes include wastewater from bathroom and toilets, non-commercial kitchens and non-industrial and non-commercial laundries. Non-domestic uses shall be those uses not defined as domestic uses, to include, but not limited to commercial and industrial process, or irrigation of land.

#### Section 1.14 - Liability of the Authority

The Authority shall have no liability on account of interruptions in utility service, erroneous shut-offs, failure to deliver water, failure to deliver water at any particular (high or low) pressure or quality, or damage to persons or property from turn-on or use of water at any premises.

#### Section 1.15 - Water Turn-on

If at the time water is turned on and no one is present at the premises and it is determined by the Authority that water is running at the premises, Authority personnel will turn off the flow of water and lock the meter. Authority personnel will then return to turn on water only when a responsible person is present and a customer will be charged a Service Call Fee and/or an After-Hour Fee.

#### Section 1.16 - Leak

When a water and/or sewer leak has been reported to the Authority, Authority personnel will take the necessary actions to determine the responsible party. Once the determination has been made, any repairs, clean-up or any other associated costs and fees shall be paid by the responsible party. Leaks can

be detected by Authority personnel or by the Owner. If Authority personnel observe a leak on the Owner's Service Facilities then Authority personnel will notify the occupant by knocking on the door. If no one is present at the premises, Authority personnel will leave a door hanger notifying the occupant of the leak and will turn off the services. If the Owner observes a leak, then the Owner should report the leak to the Authority. Services that have been turned off by the Authority can only be restored by the Authority.

#### Section 1.17 - High Usage

When Authority personnel read a water meter and the usage registered is significantly higher than average and Authority personnel do not see any visible leak, Authority personnel will notify the occupant by knocking on the door. If no one is present at the premises, Authority personnel will leave a door hanger notifying the customer of the higher than average use.

### ARTICLE II - Utility Service

#### Section 2.1 - Utility Service Metered

Each separate residential or commercial unit shall be supplied through a separate meter. However, in some cases, a unit maybe supplied at the option of the Authority through a Commercial Meter pending approval of allocation as required by Article VIII of this Ordinance. Examples of when the Authority may permit Commercial Meters include, but are not limited to the following:

- (a) Units under common ownership such as apartments, multi-storied commercial buildings, recreational vehicle parks, mobile home parks and individual dwelling units containing not more than five hundred (500) square feet of heated living area.
- (b) Condominiums under separated ownership which contain five (5) or more units per building.

If units under common ownership are served by a Commercial Meter and are then sold as separate units, then the Authority may require as a condition to continued utility service that the owner of each unit in separate ownership, at the owner's expense, and in accordance with the Authority's MSSD, install a separate meter for the unit.

#### Section 2.2 - Backflow

Owner Service Facilities connected with the Authority Utility Facilities shall not be connected with pipes or fixtures supplied with water from any other source and shall include a Backflow Prevention Assembly(ies), as required by Article VI of this Ordinance. Backflow Prevention Assemblies to be used shall comply with applicable State of North Carolina building codes and shall be approved by the Authority. Upon the discovery of a cross-connection or the absence of a proper Backflow Prevention Assembly, water service may be terminated until the violation is remedied.

#### Section 2.3 - Tests

The Authority may at any time remove any meter for routine tests, repairs or replacement. The Authority shall, upon request of a customer, test the accuracy of the meter in use, provided the meter has not been tested by the Authority within a period of three (3) months previous of such request, and that the customer will agree to abide by the results of such test in the adjustment of disputed charges.

If the meter is shown to have an error as defined in this Article, the Authority will replace or correct the meter at no charge. If the meter has no such error, the customer will pay a Meter Testing Charge.

#### Section 2.4 - Error

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

#### Section 2.5 - Irrigation Service

Water supplied for Irrigation Service only may not be used for potable, domestic or any other use. No pipes or other Owner Service Facilities intended for potable water service shall be connected to any meter dedicated only for Irrigation Service. If it is discovered that water supplied through a meter dedicated solely for Irrigation Service is being used for potable or domestic water use, the customer shall be required to pay the applicable Base Fee and Water Rates for potable water for the 12-month period immediately preceding the date it is discovered that the Irrigation Service has been used for potable or domestic water use or such shorter period of actual service if the Irrigation Service meter has been installed for a shorter period. RP backflow prevention assemblies are required to be installed on all irrigation services and water will not be turned on to the service until the installation has been completed, tested, and approved by the Authority in accordance with Article VI of this Ordinance.

### ARTICLE III - Wastewater

#### Section 3.1 - Method of Connection

Connections of Building Sewers to Authority Utility Facilities will be made in accordance with the following requirements:

- a) All connections shall be made in accordance with the applicable provisions of the State of North Carolina Building Code and/or NCDEQ, if applicable.
- b) No connections that will allow inflow to enter the Authority's system shall be permitted. Such prohibited connections shall include but not be limited to roof down spouts, exterior foundation drains, or other sources of storm water or groundwater.
- c) The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sand traps or other interceptor as required by this Ordinance.
- d) Connections to Authority Utility Facilities will be made at the cleanout provided for the structure to be served.
- e) The connection of residential grinder pump systems shall be made in accordance with the State of North Carolina Building Code, ONWASA Utility Ordinance and MSSD and all applicable manufacturer specifications by a North Carolina Licensed Utility Contractor. All costs associated with the design, permitting and installation of the grinder pump system are the responsibility of the property owner.

### Section 3.2 - Maintenance of Building Sewer/Damages

Whenever a Building Sewer connected to Authority Utility Facilities becomes clogged, broken, out of order or discharging in a manner detrimental to the Authority Utility Facilities, or the public health and welfare. The Owner of any building or premises through which the Building Sewer, defined as running from the point of discharge to the served premises which collects wastewater, shall, upon notification by the Executive Director or his designee, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification. Noncompliance shall result in disconnection of the sewer lateral at the point of connection to the Authority's public collection system and shall be subject to all applicable fees per the approved Authority Rate and Fee Schedule. The property owner shall be responsible for maintaining sewer service laterals from the served premises to the point of discharge, except that the Authority will maintain sewer service connections extending from the main to the point of discharge if:

- a) A gravity sewer service lateral cleanout is already installed at or near the property line, or
- b) The property owner installs a cleanout at or near the property line.

Residential grinder pump systems that are connected to an Authority sanitary sewer force main are maintained by the Authority from the point of connection at the main up to and including the grinder pump station and associated electrical controls subject to the terms and conditions of the Grinder Pump Sewer Service Agreement signed by the customer.

### Section 3.3 - Prohibited Discharges

No user shall contribute or cause to be contributed into the Authority collection system, directly or indirectly, any pollutant or wastewater which causes treatment interference or pass through. These general prohibitions apply to all users of the Authority's collection system, whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.

### Section 3.4 - Basis for Billing Sewer Use

Sewer usage will be billed based on the minimum charge plus flow determined by the flow of the Authority's water meter at the premises being billed. If sewer is provided to the premises to which the Authority does not provide water, or the sewer usage is unrelated to the usage of water, billing will be based at the option of the Authority on one of the following:

- a) Water meter readings at the premises for water supplied by another water provider or meter readings from a meter attached to any private well supplying the premises, which meter shall be provided and installed at the Owner's expense.
- b) Flat Rate.

## ARTICLE IV - Rates, Fees, and Charges

### Section 4.1 - General

The Authority shall annually, or more frequently if financial or other conditions dictate, establish rates and charges so that revenues of the Authority will be sufficient at all times to pay the cost of maintaining, repairing, and operating the Authority Utility Facilities, including reserves for such purposes, debt service on bonds and other debt obligations issued by the Authority and debt service reserves, the cost of utility system development and growth, and the cost of such other matters as the Authority deems appropriate. The Authority may set different rates for different service areas or different types of utility service (such as for Bulk or Commercial Meter service) where a basis of distinction exists to establish such differentiated rates. Such rates may include but shall not be limited to the following rates, fees and charges on the Authority's Rate and Fee Schedule:

#### Customary Monthly Charges

- a) Base Water and Sewer Charge - a monthly charge for water and/or sewer for making utility service available year-round and, the amount charged for each customer shall be based on the size of the customer's water meter. For service through a Master Meter, the fixed charges per unit shall assume a  $\frac{3}{4}$  - inch meter;  $\frac{3}{4}$  - inch meter charges apply to all residential meters, regardless of meter size. Bulk charges may include a component reflecting the debt service and paying for a portion of the fixed operating cost and obligation of the Authority. Payment of a Bulk Charge does not entitle a customer to any minimum usage allowance.
- b) Bulk Rate – a fee for water sold to others for re-sale or for service through a Bulk Meter.
- c) Flat Rate – a monthly charge for wastewater service where the Authority has no ability to or elects not to determine the volumetric usage of a customer. The Flat Rate shall include but not be limited to the estimated Availability and Debt Service Recovery Charges that would be applicable if a meter was in place.
- d) User Fee – a charge based on volumetric utility usage determined from meter readings or other method acceptable to the Authority, the amount of which increases as volumetric usage increases.
- e) Volunteer Fire and Rescue Rate – a combination of flat and volumetric rate to be charged to
- f) volunteer rescue squads and fire departments.

#### Charges Related to Collection of Liquid Condensate

- a) User Fee – a charge based on the size and type of the Owner's residential heating and cooling system connected to the Authority's sanitary sewer collection system.

#### Charges Related to New Utility Service

- a) System Development Fee a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, the amount of which shall be based on meter size. System Development Fees shall be paid at the time of application for new utility service, except for applicants for single family residences who are over the age of 65 as provided above. Any Person undertaking any "development" (defined below) to be connected to the Authority Utility Facilities shall pay System Development Fee. If a meter size on which the fee is based is not described in the Rate and Fee Schedule or if there is no meter, and

for all collection of liquid condensate from residential heating and cooling systems, the amount System Development Fee shall be determined by the Executive Director based upon the anticipated water use and sewage generation rates for sizes in question.

- b) Application Fee – a fee due when a Person applies for new and existing utility service.
- c) Inspection Fee – a fee to cover the cost to the Authority of witnessing, inspecting and approving the work of a contractor engaged by an applicant to connect the applicant’s Owner Service Facilities to Authority Utility Facilities.
- d) Meter Fee – a charge to cover the cost of the water meter when the tap is being made by a licensed contractor and not the Authority, and/or replacement cost of damaged meter, yoke, angle stop, and appurtenances.
- e) Tap Fee – a one-time charge to cover the cost to the Authority of installing services of Authority Utility Facilities which benefit only the consumer being served. Tap Fees shall be paid at the time of application for new utility service.
- f) Initial Connect Fee – a one-time administrative fee due when new service is connected to Authority’s Utility Facilities, or existing account is transferred from one customer to another.

#### Other Fees and Charges

- (a) After Hour Fee – a fee for service calls which the consumer requests to be made after hours weekdays, weekends or holidays include but are not limited to such items as connections, reconnections, leaks or line breaks and the leak or break is to the Owner’s Service Facilities or to Authority Utility Facilities resulting from the negligence of the customer at the premises or the customer’s guests or agents.
- (b) Civil Penalty – a penalty for violation of this Ordinance.
- (c) Cut Lock Fee – a fee to cover the cost of replacing padlocks which have been removed from Authority water meters without the Authority’s consent.
- (d) Credit Letter Fee – a fee for preparation of letters regarding a customer’s credit history with the Authority.
- (e) Public Utilities Services Correspondence Fee – a fee for correspondence verifying that a residence has public utilities services.
- (f) Hydrant Rate – a volumetric charge for the special use of water, such as withdrawal from a fire hydrant through a hydrant meter.
- (g) Late Fee – a fee added to delinquent utility bills.
- (h) Meter Testing Charge - a charge for testing meters measuring utility service.
- (i) Miscellaneous Administrative Fees – fees for such matters as returned checks, copying, customer lists, debit bill payment by phone and such other categories as the Executive Director deems appropriate. Application of Miscellaneous Administrative Fees shall be determined by the Executive Director.

(j) Plan Review Fee – a fee for reviewing and approving plans and specifications submitted for utility facilities to be constructed by others than the Authority and dedicated to the Authority upon completion.

(k) Plat Review Fee - shall be a fee for reviewing and approving plats submitted for signature accepting dedication of utilities constructed and approved by the Authority.

(l) Non-payment Processing Fee – A fee assessed when a bill is not paid in full in forty-five days of the statement date. The fee will be applied to the account and due with any unpaid bills.

(m) Service Call Fee – a service call fee will be charged to the customer’s account for items such as but not limited to the following:

- 1) Check a leak at the request of a customer (and the leak is found to be on the customer’s side).
- 2) Customer wants meter to reread because of high water usage (and the meter is determined to be accurate).
- 3) Customer needs angle stop/yoke turned off to make repair. (Service call will include returning to the property to turn the meter back on).
- 4) Checking pressure (and pressure is determined to be appropriate in Authority infrastructure).
- 5) New service tap scheduled for installation but remains un-flagged when tap crew arrives (requiring rescheduling).
- 6) Customer request of water quality assurance (and water quality to meet all required parameters).

(n) Tampering Charge – a charge for tampering with any Authority Utility Facilities.

#### Section 4.2 - Deposit

Each customer shall make a Deposit at the time of applying for service in the amount set forth in the Rate and Fee Schedule; provided, however, the Authority may waive a Deposit when it determines in its sole discretion that a customer has a good credit history. Deposits shall be used upon termination of utility service or at any other times the Authority elects to cover a customer’s delinquent utility bill. If a customer maintains a good credit history with the Authority for a continuous period of thirty-six (36) months, the Authority will apply the Deposit to the customer’s account with the exception of commercial, irrigation, multi-user, and hydrant meter accounts

In the event the customer’s deposit is inadequate to satisfy the total of all charges for services incurred to date, said deposit shall be paid in the amount prescribed in the current Rate and Fee schedule as set by the Board of Directors. Deposits shall not draw interest. When service is terminated, any unused portions of the Deposit shall be refunded. Making a Deposit does not relieve a customer of the obligation to pay a bill when due nor prevent the Authority from terminating service for non-payment of bills. The procedural guidelines used by the Authority from time to time to determine if a customer has a good credit history may be changed at any time at the option of the Executive Director.

### Section 4.3 - Rate and Fee Schedule

A copy of the Rate and Fee Schedule shall be kept on file with the Clerk to the ONWASA Board of Directors and is also available on the ONWASA website.

## ARTICLE V - Billing and Collection

### Section 5.1 - Bills

Bills shall be sent monthly. Bills to premises shall be calculated based on the applicable Base Fee, and the volumetric utility usage determined by meter readings. The amounts of such rates and charges are set forth in the Rate and Fee Schedule. Where premises are served by a Commercial Meter, bills shall be rendered to the Owner and shall consist of one Base Fee for water and one for sewer based on the actual meter size, the incremental charges for total volumetric usage and any other applicable charges. Where units are served by a Master Meter, bills shall be rendered to the Owners' association and shall consist of the applicable Base Fee for each unit based on a  $\frac{3}{4}$  inch meter, the applicable volumetric usage and any other applicable charges.

Where premises are served by a Bulk Meter, bills shall be rendered to the Owner and shall consist of the applicable Base Fee based on the actual meter size, the applicable volumetric usage and any other applicable charges. In certain cases when metering is not available, the Authority may bill for services at a Flat fee. All bills shall be sent to the street address for the premises being served unless the Authority is notified in writing of some other address to which bills are to be mailed. Failure to receive bills will not be considered justification for nonpayment of amounts due, or permit an extension of the date when the account would be considered delinquent.

### Section 5.2 - Payment

Utility bills are due when rendered. A utility bill for any billing period shall be considered delinquent if not paid on or before the 15th day after the statement date. If the bill is not paid on or before the 25th day of the statement date, a Late Fee in the amount set forth in the Rate and Fee Schedule will be applied. If a bill is not paid in full within forty-five (45) days of the statement date, utility service shall be disconnected.

### Section 5.3 - Broken Seals/Padlocks, Meter Failures

If a meter seal or padlock is removed other than by Authority personnel or if a meter fails to register correctly or is stopped for any cause, the applicable utility bill shall be based on the average water usage for the immediately preceding 12-month period, or such shorter period of actual use.

### Section 5.4 - Adjustments for Leaks

Any customer requesting an adjustment for a leak shall notify the Authority of the existence of the leak and provide evidence of its repair. Upon determining that the leak existed and the duration of the period of the leak, the Authority will, to the extent that during the period of the leak the usage in any month was twice as high as any monthly usage for the past 12 months, give a credit for one half of the amount of the highest bill rendered during the period of the leak; provided, however, the amount of the adjusted bill shall not be less than the Base Fee for both water and sewer, and, provided further, there shall be no adjustment for sewer billed at a flat rate. No more than one adjustment shall be made in

any 12-month period. Notwithstanding the foregoing, the Authority reserves the right to require that a licensed plumber at the customer's expense verify the existence of a leak and to deny any adjustment without the approval of the Authority's Board of Directors.

## ARTICLE VI - Water System Cross-Connection Control

### Section 6.1- Cross-Connection Control

This article is in accordance with the minimum requirements of the Federal Safe Drinking Water Act, the North Carolina State Department of Environmental Quality (NCDEQ), the North Carolina State Administrative Code Chapter 15A Subchapter 18C, and the North Carolina State Plumbing Code that pertain to cross-connections with public potable water systems. When there are conflicts between these or other applicable local, state, or federal regulations and this Ordinance, the most stringent shall govern.

This article shall apply to all Consumers connected to the Authority's public potable water supply system. There are no exemptions or vested uses that would prohibit the Authority from requiring the installation of backflow prevention assemblies on existing water services when existing or potential cross-connection hazards are found that pose a threat to the public potable water supply system.

Information regarding approved backflow prevention assemblies, installation requirements and a list of cross-connection hazards are on file at the Authority's main office.

### Section 6.2 - Purpose and Objectives

The purpose of this Article is to prevent any waterborne disease, organism, pollutant or contaminant from entering the Authority's public potable water system through:

- (a) The installation of approved backflow prevention assemblies whenever new service connections are installed at locations where identified or potential cross-connection hazards will exist.
- (b) The elimination of cross-connections whenever an identified or potential hazard is found to exist as the result of a site survey. Site surveys occur upon request, a change in account holder and/or change in the type of use, or when the plans for modification of water service connections are subject to review and approval by the Authority.

The specific objectives of the Authority's Cross-Connection Control Program are as follows:

- (a) To be compliant with all local, state and federal regulations regarding Backflow Prevention and Cross-Connection Control.
- (b) To systematically eliminate all unprotected cross-connections within the Authority's public potable water system.
- (c) To protect the public potable water system of the Authority against actual or potential contamination, by isolating within each consumer's water system contaminants or pollutants that could, under adverse conditions, backflow through unprotected cross-connections into the public potable water system.
- (d) To provide a continuing monitoring and inspection program control that identifies and effectively controls or eliminates actual or potential cross-connections to the public potable water system.

#### Section 6.3 - Responsibilities

- (a) State of North Carolina - The North Carolina Department of Environmental Quality (NCDEQ), Public Water Supply Section (PWSS) has the responsibility of promulgating and enforcing laws and regulations of all water purveyors in the State of North Carolina in carrying out an effective Cross-Connection Control Program. This includes requiring the implementation of cross-connection control programs for all water purveyors under its jurisdiction.
- (b) ONWASA - Except as otherwise provided herein, the Authority's responsibility is to provide a public water supply as safe as reasonably possible beginning at the source and continuing throughout all of the public water distribution system, including service connections and ending at the point of delivery to the Consumer's potable water system. To provide proper precautions are taken, the Authority shall endeavor to identify, prevent, and eliminate potential hazards to the public potable water system.
- (c) Consumer - Each Consumer has the primary responsibility for preventing pollutants and contaminants from entering the Consumer's potable water system(s) and subsequently the Authority's public potable water system. The responsibility of each consumer starts at the point of delivery from the public potable water system and includes all of the Consumer's potable water system(s).

- (d) Backflow Prevention Assembly Certified Tester - A backflow prevention assembly certified tester shall be responsible for performing competent inspections of backflow prevention assemblies and making timely, accurate reports of their findings to the Consumer, the Authority and all other responsible regulatory authorities.

#### Section 6.4 - Right of Entry

Authorized representatives from the Authority shall have the right to enter any building, structure, or premises during normal business hours unless such entry has been denied by the customer, or in the event of denial of entry by the customer, with an administrative search warrant, or at any time in the event of an emergency, to perform any duty imposed by this article. Those duties may include, but not be limited to, sampling and testing of water, as well as inspections and observations of all piping system(s) connected to the public potable water supply system.

Where a Consumer has security measures in force that require proper identification and clearance before entry onto their premises, the Consumer shall make all necessary arrangements with the security personnel so that upon presentation of suitable identification, and such other legal authority as required, Authority employees shall be permitted to enter, without delay, for the purposes of performing their specific duties. Discontinuance of water service may be required, if determined necessary by the Authority, until a backflow prevention assembly appropriate to the level of hazard has been installed.

Upon request by the Authority, the Consumer shall furnish the Authority any pertinent information regarding the water supply system on such property where backflow protection is deemed necessary.

#### Section 6.5 - Prevention and Elimination of Cross-Connections

When it is determined that a potential cross-connection hazard exists and installation of a backflow prevention assembly is required for the protection of the public potable water supply system, the Authority shall require the Consumer, at their own expense, to have an approved backflow prevention assembly installed at each service connection and to have it tested in accordance with the requirements of this Article.

When an actual cross-connection is found to exist, the Consumer shall be notified in writing to disconnect the same and install an approved backflow prevention assembly within a time limit established by the Authority. The degree of protection required and maximum time allowed for compliance shall be based upon the potential degree of hazard to the public potable water system:

- (a) Unprotected cross-connections with private wells or other public/private water supplies shall result in immediate disconnection of Authority water service. Service shall not be restored until the cross-connection is eliminated or a backflow prevention assembly meeting the requirements of Section 6.9 is installed.
  
- (b) All facilities that pose a potential health hazard to the potable water system shall have an approved reduced pressure principle assembly (RP) installed within sixty (60) days of notification to do so.
  
- (c) All newly constructed industrial and commercial facilities required to install a backflow prevention assembly shall install the appropriate assembly (as specified in Section 6.9) prior to the release of meters to initiate water service. All existing backflow assemblies that are not installed in compliance with the requirements set forth by this Article, whether discovered during a site survey or upon failure to pass an annual test (See Section 6.8), shall be brought into compliance upon notification from the Authority within the timeframes specified above, based upon the potential degree of hazard to the public potable water system.

#### Section 6.6 - Approved Backflow Prevention Assemblies

The following requirements shall apply to all backflow prevention assemblies installed on Consumer potable water systems connected to the Authority's public potable water supply system:

- (a) Backflow prevention assemblies shall be included on the "List of Approved Backflow Prevention Devices" published by the University of Southern California (USC), shall meet American Society of Sanitary Engineers (ASSE) standards and carry the ASSE seal.
  
- (b) The Authority reserves the right to reject the installation of any reduced pressure principle assembly (RP) or double check valve assembly (DCVA) on the list referenced in Item (a) if it is determined by the Authority that the assembly will not provide sufficient cross-connection protection at that location.

#### Section 6.7 - Installation of Backflow Prevention Assemblies

Installation of backflow prevention assemblies shall be performed by a North Carolina Licensed Plumber in accordance with the requirements set forth by this Article, the Authority's Manual of Standards, Specifications and Details (MSSD) - current edition, the manufacturer's installation instructions and/or in the latest edition of the North Carolina Plumbing Code, whichever is most stringent.

ALL BACKFLOW PREVENTION ASSEMBLY INSTALLATIONS SHALL BE INSPECTED AND APPROVED BY THE AUTHORITY PRIOR TO INITIAL CONNECTION TO THE PUBLIC POTABLE WATER SYSTEM.

#### Section 6.8 - Testing and Repair of Assemblies

The testing and repair of backflow prevention assemblies shall be performed in accordance with the following:

- (a) Testing shall be performed by a Backflow Prevention Assembly Certified Tester (Certified Tester) holding a current certificate of completion from a North Carolina AWWA-WEA approved training program in Backflow Cross-Connection Prevention. Proof of current certification shall be provided by the Certified Tester to the Authority and must be on file with the Authority prior to the submittal of any test reports.
- (b) Testing of backflow prevention assemblies shall utilize all tools, gauges, manometers and other equipment designed for that purpose and necessary to properly perform the testing. All test equipment shall be checked for accuracy annually and calibrated via methods specified by the manufacturer of the testing equipment. Proof of certification of accuracy and calibration to National Institute of Standards and Technology (NIST) requirements shall be provided by the Certified Tester to the Authority annually and upon request.
- (c) Failure of a Certified Tester to submit the complete and accurate documentation required under items (a) and (b) prior to the submittal of test reports shall result in the rejection of those test reports by the Authority.
- (d) Tests are to be conducted upon initial installation of the backflow prevention assembly and annually (every 365 days) thereafter, or at a frequency established by the Authority's regulations. A record of all test results shall be prepared by the Certified Tester in a format specified by the Authority and copies shall be provided to the Authority within ten (10) business days after the completion of any testing or the activation of water service.
- (e) The Certified Tester shall notify the Authority within one (1) business day any time that repairs to backflow prevention assemblies are deemed necessary. These repairs shall be completed by a North Carolina Licensed Plumber within ten (10) business days after a failed test, and a report submitted to the Authority once repairs are completed.

- (f) In the event the Consumer fails to comply with the testing requirements established under this Article, the Authority shall implement the penalties referenced in Section 6.12. This includes performing the required testing and charging the associated cost to the Consumer.
- (g) The Authority may conduct random testing of individual backflow prevention assemblies to verify proper operation. The Consumer shall be given notice prior to the test date.
- (h) All current and/or future Air Gap installations (including new construction) shall be inspected at a frequency determined by the Authority to ensure the safety of the public potable water system.

THE SUBMISSION OF ANY RECORD TO THE AUTHORITY BY ANY CONSUMER OR CERTIFIED TESTER THAT IS FALSE OR INCOMPLETE, AS WELL AS FAILURE TO SUBMIT ANY RECORD REQUIRED BY THIS ORDINANCE, IS PROHIBITED.

#### Section 6.9 - Facilities Requiring Backflow Protection Assemblies

In accordance with the guidance provided within NCAC Chapter 15A, Subchapter 18C Appendix B, the types of facilities or services listed in this section have been identified by the Authority as having a potential for backflow of non-potable water into the public water supply system. An approved backflow prevention assembly shall be required on all such services, according to the degree of hazard present.

For the purposes of this Article, waterfront facilities shall be defined as any structure which has an exterior potable water fixture located within fifty (50) feet of the high tide mark and/or water's edge of any permanent source of non-potable water (i.e. ocean, sound, canal, river, stream, or pond).

#### Residential Customers

- (a) All residential waterfront facilities require the installation of an RP Assembly.
- (b) All residential properties with a swimming pool directly plumbed to the public potable water system require the installation of an RP Assembly or an Air Gap meeting the requirements of the NC Plumbing Code and approved by the Authority.
- (c) All residential properties with an irrigation system directly plumbed to the public potable water system require the installation of an RP Assembly on the service line connected to the irrigation system.

## Commercial Customers

- (d) Commercial facilities that have identified pressure and/or chemical hazards associated with their activities require the installation of an RP Assembly.
- (e) Structures designed for flexible commercial uses (i.e. strip malls/generic retail space) require the installation of an RP Assembly on the service line to each unit in the development.
- (f) All commercial waterfront facilities require the installation of an RP Assembly.
- (g) Commercial facilities with no identified health hazard are required, at a minimum, to install a Double Check Valve Assembly (DCVA) on their public potable water system service unless all of the following criteria are met and they are therefore exempt from this requirement:
  - 1. The facility contains no moderate or severe hazards, which can be verified by ONWASA personnel who are trained and authorized to inspect the facility for compliance with this Section.
  - 2. The facility is not designed for flexible or generic retail use, or is under the direct control of the property owner.
  - 3. The facility utilizes only residential-type plumbing fixtures (i.e. toilets, hand sinks and showers) for employee and/or customer use.
  - 4. The facility does not include or provide for the bulk storage of lethal, hazardous or toxic materials.

The Authority shall prepare and maintain a list of commercial facility categories, the level of hazard associated with those facilities, and the type of backflow prevention assembly required to comply with this Article.

Other types of facilities or services not listed above may be required to install approved backflow prevention assemblies, based on the potential level of hazard, when deemed necessary by the Authority. When a site survey is conducted at existing facilities and a cross-connection is found or known to exist, or when it is necessary to repair an existing backflow assembly that is not in conformance with this Article, the hazard designation of the facility may be revised and require the installation of the appropriate backflow prevention assembly.

No person shall fill tanks, containers, buckets, etc. containing pesticides, fertilizers, or other toxins (or their residues) from the public water system except at a location equipped with an approved Air Gap or a Reduced Pressure Principle (RP) Assembly properly installed and fully operational.

#### Section 6.10 - Connections with Alternative Sources of Supply

No person shall connect or cause to be connected to the Authority's public potable water system any alternative supply of water not currently permitted by the State of North Carolina, Department of Environmental Quality. Any connections to permitted alternative sources of supply that are allowed by the Authority shall comply with the backflow prevention requirements of this Article.

Water mains served by the Authority but not maintained by the Authority are considered cross-connection hazards, and the required type of backflow prevention assembly shall be based upon the degree of hazard as determined by the Authority. In the event that an Authority employee does not have sufficient access to every portion of a private water system to completely evaluate the degree of hazard, an approved Reduced Pressure Principle (RP) Assembly shall be required as a minimum for protection.

In the event of contamination or pollution of the alternative source of supply, the Consumer shall notify the Authority immediately in order to ensure that appropriate measures are taken to overcome and eliminate the contamination or pollution.

#### Section 6.11 - Fire Protection Systems

All existing backflow assemblies installed on fire protection systems in operation at the time these regulations are approved shall be allowed to remain on the premises as long as they are being properly maintained, tested and repaired as required. If the existing assembly must be replaced, or in the event of proven water theft through an un-metered service, the Consumer shall be required to install an approved Reduced Pressure Principle Detector Assembly (RPDA) or an RP Assembly and water meter (as determined by supply line size). All backflow preventers for fire protection shall also meet the requirements of any applicable building and fire codes.

#### Section 6.12 - Notices of Violation

The Consumer and/or Owner of any installation found to be in violation of the provisions of this Ordinance shall receive a written explanation of the violation, the actions to be taken, and the time period within which the violation must be corrected. This notice shall be served by personal delivery, a

designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), or certified mail to the Consumer and/or Owner. Should the Authority be unable to serve the Consumer and/or Owner by the aforementioned methods, then service shall be effectuated by First-Class mail together with posting the notice of violation on the subject property.

Failure by the Consumer and/or Owner to correct the violation within the time specified may result in civil penalties or fines, as outlined in Article XII of this ordinance. Failure to pay any civil penalty or assessed fine shall be just grounds for termination of the Authority's water service. Service shall be re-established when the violation is corrected and applicable civil penalties and other required fees are paid.

## ARTICLE VII - Water Conservation Plan

### Section 7.1 - Introduction

The Authority, in its mission to provide customers an adequate supply of potable water, have developed the following Water Conservation Plan (the "Plan"). The Plan has been developed to ensure and preserve one of our most precious natural resources.

The Plan addresses water shortage measures to include voluntary and mandatory conservation, water loss and accountability, and the responsibilities of the Authority, consumers, contractors, and volunteer fire departments in the effort to conserve water.

### Section 7.2 - Declaration of Water Shortage

If it appears that water demand on the Authority water system may exceed supply and transmission capabilities, the Executive Director shall recommend to the Board of Directors that water conservation measures be implemented. The Executive Director, following consultation with the Board of Directors, shall issue a water shortage condition advisory requesting water conservation by consumers. If a Stage I (Voluntary Reductions) advisory fails to relieve the demand on the system, the Authority shall advance to a Stage II (Mandatory Reductions) or Stage III (Emergency Reductions) advisory condition. The Executive Director, following consultation with the Board of Directors, may declare any stage be implemented including all or part of a particular Stage. The use of reclaimed water, where available, will not be restricted under any declaration. However, reclaimed water is subject to availability.

The Authority will use the following methods of notification when a water shortage condition is declared:

(ll) ONWASA internal email to include member municipalities and staff.

(mm) Really Simply Syndication (RSS) feed.

(nn) Notices in all the Authority's satellite offices and the main office.

(oo) Local radio, newspaper and cable television stations.

(pp) Notice in customer water bills.

### Section 7.3 - Stage I Water Shortage Condition

A Stage I water shortage shall be declared when 50% of the groundwater sources are pumping for more than twelve (12) hours in a twenty-four (24) hour period. If a Stage I water shortage condition is declared, conservation measures will be encouraged and recommended to include the following:

- (a) Limit car washing to once per week.
- (b) Voluntarily limit lawn and garden watering.
- (c) Do not wash down outside areas such as sidewalks, patios, parking lots, service bays, aprons, etc.
- (d) Do not leave faucets running while shaving or rinsing dishes.
- (e) Water trees and shrubs to the minimum required amount, reusing water or using rain barrels when possible.
- (f) Limit use of clothes washers and dishwashers and, when used, operate fully loaded.
- (g) Use showers for bathing, rather than bathtubs, and limit showers to no more than four (4) minutes.
- (h) Limit flushing of toilets by multiple usages.
- (i) Use disposable and biodegradable dishes and eating utensils.
- (j) Use flow-restrictive and water-saving devices.
- (k) Limit hours of operation for water-cooled air conditioners.
- (l) Temporarily delay new landscape work until the water shortage has ended.

### Section 7.4 - Stage II Water Shortage Condition

If at least two (2) Authority operated-water storage tanks drop to ten (10) feet or less of storage, a Stage II water shortage will be proclaimed. It is prohibited for any person to use water supplied by the Authority water system in a manner that is inconsistent with the following:

- (a) Watering of lawns, grass, shrubbery, trees, flowers, and vegetable gardens is allowed twice a week before 8:00 am or after 6:00 pm.
- (b) You may not wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment more than one (1x) time per week.
- (c) You may not 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 for other similar purposes.
- (d) You may not use water from public or private fire hydrants for any purpose other than fire suppression, construction, official utility maintenance or public emergency.

### Section 7.5 - Stage III Water Shortage Condition

If the Authority issues a declaration of Stage III water shortage condition, it shall be prohibited for any person to use or permit the use of water from the Authority water system for any purpose hereinafter

set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

If any four (4) water storage tanks drop to ten (10) feet or less, then a Stage III water shortage shall be declared. It shall be prohibited for any person to use water supplied by the Authority water system for the following:

- (a) Outdoor landscaping, tree, lawn or vegetation watering.
- (b) Washing automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment.
- (c) Washing down outside areas with water such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks or patios, or for other similar purposes.
- (d) Using water from public or private fire hydrants for any purpose other than fire suppression, official utility maintenance or public emergency.
- (e) Adding additional water into any ornamental fountain, pool, pond or other structure making similar use of water.
- (f) Adding additional water into any recreational swimming pool, pond or other structure making similar use of water.

#### Section 7.6 - Plan Enforcement

Violations of this Plan can be reported by contacting the Authority through any of the methods posted on the website ([onwasa.com](http://onwasa.com)). ONWASA shall, in accordance with the Authority's adopted Rate and Fee Schedule, impose civil penalties for violation of this Plan according to the following schedule:

- (a) 1st Violation – Warning
- (b) 2nd Violation – Fee Assessed to Water Bill in the amount double that of the bill containing the violation
- (c) 3rd Violation – Fee Assessed to Water Bill in the amount double that of the bill containing the violation and Discontinuation of Service

#### Section 7.7 - Variances

Application for variances may be requested from the Authority's satellite and main offices and from the website. Criteria for granting variances shall include:

- (a) Impact on Public Health
- (b) Necessity of use
- (c) Expected duration of water shortage condition

- (d) Alternative water source options
- (e) Social and economic impact
- (f) Impact on water demand

#### Section 7.8 - Lifting of Restrictions Imposed During Shortage

Water shortage conditions will expire when the Authority deems that the condition which caused the alert has abated. The expiration, rescission or cancellation of a water shortage declaration shall be promptly and widely publicized using the methods provided in Section 7.2.

#### Section 7.9 - Measuring Effectiveness

The following protocols will be used to measure the effectiveness of the Plan:

- (a) Reduction in pump run times
- (b) Elevated tank levels maintained above ten (10) ft (c) Water Storage Tank recovery time
- (d) Reduction in average daily flow (ADF) demands
- (e) Reduction in peak day flow (PDF) demands

#### Section 7.10 - Responsibility Previous Version Updated 3.15.18

- (a) Consumer - Each consumer has the responsibility to prevent unnecessary loss of water from the system by repairing leaks in the consumer's water system which is defined as the point of delivery to the consumer from the public water system.
- (b) Contractors - Each contractor has the responsibility to record and report water usage associated with waterline construction and testing.
- (c) Fire Departments - Each fire department shall only perform Hydrant Flushing activities between Labor Day and Memorial Day, a minimum of forty-eight (48 hours) notice must be given to the Authority prior to performance of the flushing activity for such lines designated by the authority and a copy of all hydrant flow data shall be provided afterwards. A Hydrant Flushing Sheet shall accompany all flow data.

### ARTICLE VIII - Utility System Extension, Connection and Sewer Allocation

#### Section 8.1 - Project Approval

An Owner proposing to extend utility lines, add units to an existing master meter and/or to make other improvements to become a part of, or connect to, the Authority utility facilities shall do so as outlined in the Requirements for Plan Submittals That Include Extensions of Water/Sewer Mains by Developers/Contractors or the Requirements for Site Plan Submittals That Do Not Include Extensions of Water/Sewer Mains by Owners/Developers/Contractors, whichever is applicable. Both documents are available on the Authority's website.

Changes in lot numbers after the issuance of the Authorization to Construct by NCDEQ negatively impacts construction records and may cause delays with project approval and is, therefore, prohibited

except when necessary for the addition or deletion of lots. When such changes are necessary, two complete sets of revised plans shall be provided to the Authority.

Master plans shall include the plans for the full anticipated build-out of the proposed water system, and sewer system if applicable. Master plans are required for planned communities and subdivisions with multiple phases, and shall be submitted with the initial plan phase. When it is determined necessary by the Authority due to instances such as, but not limited to, revised water and/or sewer plans, renumbering of lots or the addition or deletion of lots, revised master plans shall be submitted upon request. Water main loops designed to accommodate fire flow conditions shall be constructed in a manner such that each completed phase meets minimum fire flow standards.

The addition of units, spaces or lots utilizing a master meter is prohibited without allocation approval. Such allocation requests shall be accompanied by certification from a North Carolina Licensed Professional Engineer that the size of the existing or proposed service and meter is sufficient to serve both the existing and proposed units, spaces or lots. Proposed service and meter sizing determinations are subject to review and approval by the Authority.

#### Section 8.2 - Conditions of Development

The Authority will not approve allocation, nor execute the required permit application(s) for any development that is dependent upon connection to unapproved potable water and/or sewer infrastructure. Under this paragraph approved infrastructure is defined as having been authorized for commencement of use by the Authority as described herein.

When a developer proposes to install water and/or sewer infrastructure, and the Authority deems it necessary for said infrastructure to be upsized in anticipation of future development needs, , the Authority shall have the option to require the upsizing of the water and/or sewer infrastructure to serve future development that is anticipated. When the Authority elects to require such upsizing of the infrastructure, the Authority and the developer may enter into a reimbursement agreement whereby the developer shall solicit bids in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes. The specifications which are the subject of the bid shall have as a base bid the proposed water and/or sewer infrastructure without the upsizing of the infrastructure. The specifications shall have, as an alternate bid, the upsizing to accommodate future development. At the option of the Authority, the developer may be required to use the alternate bid specifications for the upsized infrastructure, in which case the Authority shall pay to the developer the difference between the base bid and the alternate bid for the upsized infrastructure. No reimbursement agreement shall be for a term exceeding 59 months.

If it is determined that the connection of a developer's proposed sewer infrastructure to existing sewer infrastructure will impede the operation of the existing sewer system, the developer shall be responsible for all coordination and costs associated with the design and construction of the necessary upgrades to the existing sewer system to ensure that the existing sewer system continues to function as originally designed.

#### Section 8.3 - Allocation Plan

The approval of any utility allocation for a proposed project located in the territorial or extraterritorial jurisdiction of a member government shall be contingent on approval by the member government of all

Final Plats, Site Plans, and any other governmental requirement of the member government which is necessary for the construction of the project.

All utility allocation requests shall be considered on a prioritized basis by category. Projects shall be grouped into one of the tiers below to determine the level of priority and level of consideration needed:

(a) Tier 1 - Infill Development, Developments approved prior to effective date of this Ordinance, and Authority projects.

(b) Tier 2 – Requests that meet all Authority application requirements.

(c) Tier 3 – Requests related to Developments that are speculative in nature (i.e. in the preliminary planning phase). This also includes requests for sewer service from the Authority where water service will be obtained from another provider.

Sewer allocation necessary to serve proposed developments shall be based on use capacities as identified in Section 15A of the North Carolina Administrative Code 02T.0114. All water and sewer capacity shall be considered, allocated, and tracked through the following categories: Residential, Commercial and Discretionary.

(a) Residential Allocation - will be considered for all single family, duplex, townhome, mobile home parks, and apartment projects and shall be allocated over two categories: single family and multifamily.

1) Single Family Development: Single family and duplex developments shall be eligible for a maximum allocation per development phase of thirty-six thousand (36,000) gpd per 12-month period or the equivalent of one hundred (100) three-bedroom units.

2) Multi-Family Development: Developments such as triplex, quadplex, townhomes, mobile home parks and apartment projects shall be eligible for a maximum allocation per development phase of fifty-seven thousand six hundred (57,600) gpd per 12-month period. For example, an applicant would be eligible for up to two hundred and forty (240) two-bedroom units per phase.

Residential Allocation shall be considered “used” when the Authority Engineer, N.C. DENR-DWQ, and N.C. DENR-PWS Divisions receive and approve the Engineer’s Certification of Construction and “As-Built Record Drawings” for the water and sanitary sewer improvements serving the project development phase that was granted the sewer allocation and a Plat Map has been recorded with Onslow County. For non-subdivision residential (Apartments, Mobile Home Parks, etc.), including those authorized for multiuser meters, allocation shall be considered “used” when the water meter is installed and a Utility Easement has been recorded where required. Release of allocation for a subsequent phase will not occur until the allocation for the prior phase has been used. Approved allocation is for a 24-month period and will end when the allocation is considered used, an extension is granted, or allocation is forfeited.

(b) Commercial Allocation - shall include all developments that are industrial or commercial in nature to include, but not be limited to, campgrounds, recreational vehicle (RV) park or mixed use development (i.e., combined use mobile home/ RV parks) The maximum allocation will be dependent upon the Authority service area in which the project is located. Approved allocation is for a 24-month period and will end when the allocation is considered used, an extension is granted, or allocation is forfeited. The maximum development phase for projects in the Commercial Category is fifteen thousand (15,000) gpd

per 12-month period. Water and sewer allocation granted from the Commercial Category shall be considered “used” when the water meter is installed or a Certificate of Occupancy has been issued for the structure to which the allocation was committed.

(c) Discretionary Allocation - shall include all projects that require allocation that exceeds the maximum allowed as noted herein. There is no maximum allocation per development phase; however, Authority staff reserves the right to set a maximum allocation available per phase, if deemed appropriate. Allocation is for a 24-month period.

(d) Allocation Review and Approval - All utility allocation requests shall be made in writing on the Authority’s standard form. The reservation of water and sewer allocation will be

considered on a priority basis. Tier 1 and Tier 2 projects may be reviewed and approved by Authority Staff provided that application requirements have been satisfied and all applicable conditions have been met. Authority staff shall have the authority to grant allocation as described herein for Tier 1 and Tier 2 projects. In addition, staff may grant additional allocation to serve subsequent phases of developments approved prior to the effective date of this Ordinance if:

7) The approved plan is still valid.

8) Previous allocations have been used.

9) The allocation being requested does not exceed the allocation limits in the State permit for the project or the service area per development phase as prescribed by this Ordinance.

Tier 3 projects are the lowest priority in consideration for reserving water and sewer allocation. Typically, these projects are speculative in nature since the applicant has not made a significant investment in the proposed project. Tier 3 projects also include those that are to be served by the Authority’s sewer, but will obtain water service from another provider. The Authority staff shall have the authority to grant allocations for Tier 3 projects.

Tier 3 projects shall have 18 months to receive all approvals, certifications, and/or permits to begin construction of the water and sewer infrastructure. Once the development has received all approvals and water and sewer allocation, the allocation shall be used in accordance with the timeframe as established herein or said allocation shall be forfeited.

(e) Allocation Requests - An applicant may request allocation sufficient to serve two phases of a development. Such request shall be for the initial phase and reservation of allocation for the successive phase. A request for phased allocation shall be accompanied by a development phasing schedule and master plan that clearly shows the planned phases of the development together with the allocations desired per phase. Staff may release an approved allocation phase once the prior phase has been used and all provisions of this Ordinance have been satisfied.

(f) Allocation “Used” - Water and sewer allocations granted to a development shall be “used”, as defined herein, within 24 months of approval. Thereafter, an allocation reserved for a subsequent phase of development must be used within 24 months of the allocation being released for that phase. If allocation has not been used within the stipulated time period, it shall automatically terminate.

(g) Extensions - Authority staff may grant a 12-month first extension to a development unable to use the initial allocation within the 24-month period. The request for such extension must be accompanied by documentation demonstrating use of allocation before the expiration date is unavoidable due to factors beyond the applicant's control. The 12-month extension may be granted if, at the sole discretion of Authority staff, the delay is a result of factors beyond the applicant's control.

(h) Appeal Process - Staff decisions may be appealed to the Executive Director. Appeal requests must be in writing and include a detailed description of the proposed development, allocation requested, and reason for the appeal. All decisions rendered by the Executive Director shall be final

(i) Termination and Revocation - Water and sewer allocations are granted to a specific development (not person) to be located on a specific parcel or parcels of land and based on the approved development which received the utility allocation. Upon completion of the development or permit expiration, the unused allocation (adjusted to the actual development constructed) will automatically terminate. Furthermore, allocation granted to a development may be immediately revoked upon written notice to the applicant that Authority staff has determined the allocation was granted based on false or misleading information.

Authority staff reserves the right to revoke allocation, if deemed necessary, on projects (or portions thereof) with excess capacity. Any water or sewer allocation granted outside the provisions of this Ordinance from the effective date forward shall be null and void unless granted by the Authority pursuant to the Review section, below.

(j) Transferability - Water or sewer allocations may only be used for the specific development on the parcel(s) for which it was originally granted. Under no circumstances shall allocations be used for any development other than the development and lots, spaces, or units for which the allocation was originally made.

(k) Change in Use – Any change in use, expansion or reduction of the specific development on the parcel(s) for which an allocation was originally granted shall result in a voiding of the original allocation, and a new allocation shall be required for water and sewer services to be furnished for the development. When there is a change in use or expansion or reduction of the specific development without a subsequent application and approval by the Authority, the existing water and sewer services for the parcel(s) shall be terminated.

(l) Review – Authority staff hereby reserves all rights to review, modify, or deviate from the stipulations imposed by this Ordinance based on, but not limited to, the following:

- 1) Determining water and sewer capacity available per category due to limitations in system capacity.
- 2) The release of additional allocation recaptured through the Authority's Inflow and Infiltration (I&I) detection and elimination program.
- 3) The number of persons to be served by the extension and the anticipated water demand and/or sewer usage of the proposed customers.
- 4) Any system extension required by the new development which is not paid for by the applicant.
- 5) Any moratorium imposed on the system by the State.

6) Compliance with local, state and federal laws and regulations.

#### Section 8.4 - Construction

The applicant shall engage a North Carolina licensed utility contractor acceptable to, and approved by, the Authority to construct the project. No Persons other than a licensed utility contractor or his sub-contractor(s) shall make a tap or connection into any Authority-owned infrastructure or perform any other portion of the work.

#### Section 8.5 - Inspections

Refer to the ONWASA Manual of Standards, Specifications, and Details (MSSD) for coordination, construction and testing requirements. The MSSD is available on the Authority's website at [www.onwasa.com](http://www.onwasa.com). In addition, all applicable local, state and federal requirements related to water and sewer infrastructure shall be adhered to. In the event of a conflict between the Authority's MSSD and applicable local, state or federal requirements related to water and sewer infrastructure, the most restrictive as determined by the Authority shall govern.

#### Section 8.6 - Project Completion

Upon completion of construction, the applicant shall provide from an engineer licensed in the State of North Carolina the following:

- (a) Engineer's certification in writing as required by NCDEQ confirming that construction has been completed according to plans and specifications previously submitted and approved by NCDEQ.
- (b) As-built drawings of the project in the form of reproducible Mylar(s) sealed by the engineer and digital format (.dwg) that include the following:
  - 1) Locations, depths and other pertinent information regarding all water services (including station numbers), mains, fittings, hydrants, valves (with triangulated measurements), blow-offs, manholes, etc.
  - 2) Locations, depths and other pertinent information regarding all sewer services (including station numbers), mains, fittings, manholes, valves (with triangulated measurements), blow-offs, air releases, pump stations, etc.

#### Section 8.7 - Commencement of Utility Service

The Authority will authorize commencement of potable water and/or sewer service when the work has been completed according to the approved plans and specifications and the following requirements have been met:

- (a) Submission to the Authority of two full-size paper copies of the recorded subdivision final plats for the property, if applicable, and such deeds of dedication, easements, lien waivers, total project cost (design and construction) and other documents as are necessary in the Authority's sole opinion to transfer title to the Authority free of liens and encumbrances of all utility facilities to become a part of the Authority's utility system.
- (b) Submission by Owner of an 18-month warranty in a form satisfactory to the Authority of material and workmanship against defects plus an indemnity agreement indemnifying the Authority from any damages or injury to persons or property by reason the construction of the project.

(c) Submission to the Authority of written confirmation that the receiving sewer system, if applicable, has been approved for use by the NCDEQ or the North Carolina Division of Health and Human Services (for community wastewater treatment systems) and the Utility Owner, if said Utility Owner is not the Authority.

(d) Final inspection approval following which the Authority will issue a final acceptance letter to the developer.

(e) Meter and other applicable fees and charges have been received.

## ARTICLE IX - Fats, Oils and Grease Control

### Section 9.1 - Grease Interceptors

All new Food Service Establishments (FSE) shall install a minimum one thousand-gallon in-ground grease interceptor. Grease interceptors may also be required at non-cooking establishments and other industrial, commercial, or institutional fat, oil, and grease (FOG) producing establishments at the person, firm or corporation's expense when deemed necessary by the Authority Engineering Director or his/her designee for the proper handling of grease-laden wastewaters. All grease interceptors shall be of a type, design, and capacity approved by the Engineering Director or his/her designee and shall be readily and easily accessible for cleaning, inspections, and sampling. The following information shall be submitted to the Authority Engineering Division for review and approval prior to issuance of building permits:

(a) Plumbing drawings for the proposed facility signed and sealed by a professional engineer licensed in the State of North Carolina.

(b) Identification and dimensions in inches for each compartment of each drainage unit.

(c) Dishwasher contribution in gallons per minute (GPM).

(d) Pulper contribution in GPM.

(e) Drain specification (pipe diameter).

(f) Name of engineering firm or supplier who sized grease interceptor

(g) Grease interceptor information including supplier, type, capacity, dimensions, and calculations used to determine detention time.

(h) Flow control device information.

(i) Statement/disclaimer on plans indicating proposed grease interceptor will meet or exceed current plumbing codes.

No new FSE or other FOG producing establishment shall be allowed to initiate operations until grease handling facilities are installed and approved by the Authority. The grease interceptors shall be sized according to the latest revision of the North Carolina Plumbing Code but in no circumstances, shall the capacity be less than one thousand (1,000) gallons. Design calculations shall also demonstrate a minimum hydraulic retention time between the influent and effluent baffles of twenty-four (24) minutes of estimated peak flow. In addition to the minimum hydraulic retention requirement, twenty (20)

percent of the total volume of the grease interceptor shall be provided for sludge to settle and accumulate.

Exterior in-ground grease interceptors, at the FSE expense, shall be serviced, cleaned, and pumped dry of the waste content as required, but at least every thirty (30) days to prevent blockages by fats, oils or grease. Service intervals greater than thirty days require prior written approval from the Authority. In-floor and under-the-sink grease interceptors shall be serviced, cleaned, and pumped dry at least weekly. Grease interceptors shall be kept free of inorganic solid materials such as rocks, grit, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle and reduce the effective volume of the grease interceptor. FSE and other FOG producing establishments shall not use biological additives, enzymes, grease solvents, emulsifiers, etc. as a grease degradation agent.

Grease interceptors shall be located and maintained to prevent the entrance of storm water. Dumpster pad drains shall be connected to a dedicated grease interceptor downstream from the building waste grease interceptor. FSE and other FOG producing establishments shall supply an adequate sampling point downstream of the grease interceptor, prior to mixing with other sanitary flows. The minimum requirement for the sampling point shall be a four-inch sanitary tee installed on the interceptor's outlet side, subject to plan review and approval.

The Authority's staff reserves the right to make determinations of grease interceptor adequacy, need, and frequency of maintenance activities based on review of all relevant information regarding grease interceptor performance, facility site and building plan review, and to require repairs to, or modification or replacement of such grease interceptors, in keeping with applicable laws, regulations, and ordinances, including but not limited to the ONWASA Utility Ordinance and North Carolina Plumbing Code.

#### Section 9.2 - Existing FSE and other FOG producing establishments

Existing FSE and other FOG producing establishments without any grease handling measures in place will be given a compliance deadline not to exceed six (6) months from the date of notification to have installed grease handling equipment in compliance with this section. For cases in which "outdoor" type grease interceptors are infeasible to install, existing FSE shall be required to install adequate and approved "under the counter" grease traps, approved by the Authority for use on individual fixtures including dishwashers, sinks and other potential grease containing drains.

#### Section 9.3 - New FSE and other FOG producing establishments in existing buildings

New FSE and other FOG producing establishments located in existing buildings shall be required to comply with the grease interceptor standards applicable to all new FSE.

#### Section 9.4 - Grease Interceptor Inspections

All FSE and other FOG producing establishments shall maintain a written record that shall be kept on site of all interceptor maintenance activities for a period of three (3) years. A copy of the service ticket, provided by the FSE or other FOG producing establishment, shall be mailed, faxed, emailed or dropped off to applicable Authority staff at the main office no later than the fifth (5) day of the month following service. These records shall include:

(a) FSE or other FOG producing establishment name and physical location.

- (b) Date of grease interceptor service.
- (c) Time of grease interceptor service.
- (d) Name of grease interceptor service company.
- (e) Name and signature of grease interceptor service company agent performing said service.
- (f) Established service frequency and type of service; full pump out, partial pump out and onsite treatment (type and nature of operations).
- (g) Number and size of each grease interceptor service at FSE or other FOG producing establishment location.
- (h) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease interceptor.
- (i) Disposal destination of removed wastes, food solids, and wastewater.
- (j) Signature and date from FSE or other FOG producing establishment personnel confirming service completion.
- (k) Other information as required by the Authority staff.

During inspection by applicable Authority staff, grease caps and solids measurements will be performed every four (4) months. Grease accumulation shall not be greater than four (4) inches at any point within the grease interceptor. Solids accumulation shall not be greater than twenty (20) percent of the total water depth, from the grease interceptor's interior floor to the static working water level, at any point within the grease interceptor.

#### Section 9.5 - Enforcement

Any FSE or other FOG producing establishment that violates the provisions of this Article shall be invoiced a fee as follows:

Paperwork Violation – If a FSE or other FOG producing establishment fails to submit the required paperwork outlined in “Grease Interceptor Inspection” (1), the FSE or other FOG producing establishment shall receive a Notice of Violation. If the FSE or other FOG producing establishment fails to submit the required paperwork twice within a twelve (12) month time period, then an Administrative Service Fee will be invoiced per Authority’s Rate and Fee Schedule. Violation of this Article is enforceable as provided by Article XII of this Ordinance.

#### ARTICLE X - Reductions, Interruptions and Discontinuances

##### Section 10.1 - Temporary Interruptions

The Authority may at any time shut off or cease utility service in case of an accident or for the purpose of making connections, alterations, repairs, changes or for any other lawful reasons. It is not the obligation of the Authority to protect Owner Service Facilities connected to Authority Utility Facilities from damage in the event utility service is shut off.

### Section 10.2 - Shut Off for Default

If an account balance is not paid within forty-five (45) days of the statement date, utility service may, without notice, be suspended by the Authority. The Authority reserves the right to discontinue service when a consumer violates this Utility Ordinance and fails to comply with provisions of said Ordinance to the satisfaction of the Authority.

### Section 10.3 - Other Interruptions

In addition to other rights and remedies afforded to the Authority herein, the Authority may without notice discontinue or curtail service to prevent fraud or abuse, to protect the public and environmental health, to comply with an order of the court, at the direction of public authorities, or due to strike, riot, fire, flood, accident or any other unavoidable cause.

### Section 10.4 – Residential Grinder Pump Systems

The Authority may temporarily suspend water service to a residence if the electrical service to the grinder pump system is interrupted due to nonpayment of the electrical account or damage to the electrical service necessitating repair. Such suspensions are to protect the public and environmental health against sanitary sewer overflows. If water service is suspended due to nonpayment of the electrical account or damage to the electrical service by the customer, a service restoration fee will be billed to the customer in accordance with the latest Rate and Fee Schedule. If water service is suspended due to damage to the electrical service beyond the control of the customer, the water service will be restored at no additional expense.

### Section 10.5 - Irrigation Service

The Authority may curtail or terminate irrigation service at any time for any reason.

### Section 10.6 - Restoration of Service

When utility service has been suspended for non-compliance of applicable provisions of the Ordinance, all account balances must be paid in full, and all applicable provisions of the Ordinance complied with prior to restoration of service being performed by the Authority. Reconnections will be made at reasonable times and as conditions permit.

### Section 10.7 - Voluntary Termination of Service

The Authority will terminate services within five (5) business days of receiving a request to terminate.

## ARTICLE XI - Request for Adjustment Section 11.1 - Owner Requests

A consumer considering their bill in error shall, before the bill becomes delinquent, deliver to the Authority's office a written statement of the reasons they consider the bill to be in error. Upon receiving such notice, the Authority will hold the disputed bill in abeyance until the matter is resolved by the Executive Director. The consumer shall pay the bill in full within ten (10) days after the Executive Director makes the final decision concerning the matter. If it is found that a billing error has occurred, the Authority will credit or debit the account in question for a period of twelve months.

### Section 11.2 - Late Notice

If a consumer presents to the Authority a written notice as required herein, after the bill has become delinquent but before service is discontinued for nonpayment, the matter may be considered, provided that the bill in question is paid in full at the time of giving the notice. If the Executive Director makes an adjustment in the bill, a refund or account credit will be made within 10 days after the Executive Director's final decision.

## ARTICLE XII – Remedies

### Section 12.1 - Civil Penalties

In addition to any other remedies provided for by law, the following remedies shall be available to the Authority for the violation of this Ordinance:

(a) A Civil Penalty of not more than one thousand dollars (\$1,000) per violation as set forth by law. Each day's continuing violation shall constitute and be a separate and distinct offence. Any Person against whom a Civil Penalty is assessed shall be notified of the Civil Penalty and the reasons therefore by registered or certified mail. If the Person does not pay the Civil Penalty within thirty (30) days of receipt of the notice, the Authority may institute a civil action to recover the amount due. The validity of the Authority's action may be appealed in accordance with N.C. General Statute 162A-9.1.

(b) The issuance of appropriate equitable relief by a court of competent jurisdiction.

## ARTICLE XIII - Miscellaneous

### Section 13.1 - Severability

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected, and shall continue in full force and effect.

### Section 13.2 - Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

### Section 13.3 - Gender

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

### Section 13.4 - Savings Clause

(a) No provision of this act is intended, nor may any be construed, to affect in any way a right or interest, public or private:

1) Now vested or accrued in whole or in part, the validity of which might be sustained or preserved by reference to a provision of an ordinance repealed by this Ordinance; or

2) Derived from or which might be sustained or preserved in reliance upon, action taken before the effective date of this Ordinance pursuant to or within the scope of a provision of an ordinance repealed by this Ordinance.

(b) All utility bills owing or charges accrued under the prior Utility Ordinance shall remain due and owing until paid, and may be enforced by the actions authorized in this Ordinance.

(c) No action or proceeding of any nature pending in the General Court of Justice at the effective date of this Ordinance is abated or otherwise affected by the adoption of this Ordinance.

#### Section 13.5 - Effective Date

This Ordinance shall be in full force and effect on and after May 19, 2016

ORDINANCE AMENDING UTILITY ORDINANCE

WHEREAS, it has appeared to the Board of Directors that persons over 65 years of age are in need of being able to make a payment plan in order to receive utilities; and

WHEREAS, the current Utility Ordinance does not have a provision allowing such a payment plan.

NOW THEREFORE, THE BOARD OF DIRECTORS FOR THE ONSLOW WATER AND SEWER AUTHORITY DOTH ORDAIN:

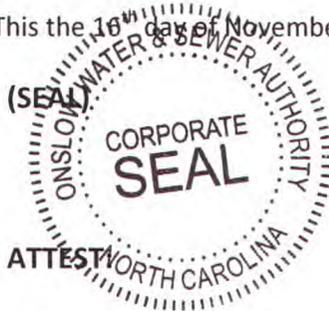
1. Section 1.7 of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

Section 1.7 – Initial Fees

An application for new utility service shall be accompanied by a valid government issued photo identification, any applicable Application Fee, Security Deposit, Tap Fee, System Development Fee, Inspection Fee and other required fees and charges. For applicants for single family residences who are over the age of 65, payments of the System Development Fee may be made semi-annually over a five year period with the signing of a deferred payment agreement. Failure to make any payment or payments under the payment agreement for any reason, including death of the applicant, shall result in suspension of the utility service, and Section 10.6 herein shall apply.

2. This amendment shall be effective upon enactment.

This the 16<sup>th</sup> day of November, 2017.



Katherine W. Norrie  
Clerk

ON SLOW WATER AND  
SEWER AUTHORITY

Gregory L. Hill  
Chairman of the Board

ORDINANCE AMENDING UTILITY ORDINANCE

WHEREAS, it has appeared to the Board of Directors that persons over 65 years of age are in need of being able to make a monthly payment plan in order to receive utilities; and

WHEREAS, the current Utility Ordinance does not have a provision allowing such a payment plan.

NOW THEREFORE, THE BOARD OF DIRECTORS FOR THE ONSLOW WATER AND SEWER AUTHORITY DOETH ORDAIN:

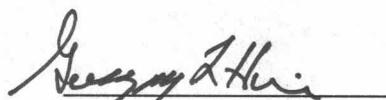
1. Section 1.7 of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

Section 1.7 – Initial Fees

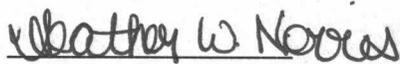
An application for new utility service shall be accompanied by a valid government issued photo identification, any applicable Application Fee, Security Deposit, Tap Fee, System Development Fee, Inspection Fee and other required fees and charges. For applicants for single family residences who are over the age of 65, payments of the System Development Fee may be made monthly or semi-annually over a five-year period with the signing of a deferred payment agreement. Failure to make any payment or payments under the payment agreement for any reason, including death of the applicant, shall result in suspension of the utility service, and Section 10.6 herein shall apply.

2. This amendment shall be effective upon enactment.

This the 15<sup>th</sup> of March 2018

  
\_\_\_\_\_  
Gregory Hines, Chairman

Attest:

  
\_\_\_\_\_  
Katelyn W. Novick  
Clerk



ORDINANCE AMENDING UTILITY ORDINANCE

WHEREAS, it has appeared to the Board of Directors that it is in the best interest of the public to amend its Utility Ordinance to allow for a longer period in which fire departments may perform fire hydrant flushing with less notice unless necessary to protect the public.

WHEREAS, the current Utility Ordinance allows fire departments to perform hydrant flushing between October 15<sup>th</sup> and April 30<sup>th</sup> with a minimum of 48 hours notice given to the Authority prior to the performance of the flushing activity.

NOW THEREFORE, THE BOARD OF DIRECTORS FOR THE ONSLOW WATER AND SEWER AUTHORITY DOETH ORDAIN:

1. Section 7.10 (c) of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

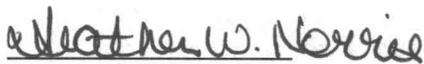
Section 7.10 (c) – Fire Departments Each Fire department shall only perform Hydrant Flushing activities between Labor Day and Memorial Day, a minimum of 48 hours notice must be given to the Authority prior to performance of the flushing activity for such lines designated by the authority and a copy of all hydrant flow data shall be provided afterwards. A Hydrant Flushing Sheet shall accompany all flow data.

2. This amendment shall be effective upon enactment.

This the 15<sup>th</sup> day of March, 2018.

  
\_\_\_\_\_  
Gregory Hines, Chairman

Attest:

  
\_\_\_\_\_  
Clerk



## **ORDINANCE AMENDING THE ONSLOW WATER AND SEWER AUTHORITY UTILITY ORDINANCE**

WHEREAS, the Board of Directors of the Onslow Water and Sewer Authority

(hereinafter "ONWASA") has previously adopted a Utility Ordinance pursuant to N.C. Gen. Stat. § 162A-6(14c); and

WHEREAS, the Board of Directors of ONWASA has determined that in compliance with State statutes and rules that certain requirements in the current Utility Ordinance may be amended without endangering the water system and the amendments will promote the health, safety, and welfare of the general public; and

WHEREAS, the amendments to the Utility Ordinance will result in a monetary savings to many of the ONWASA customers; and

WHEREAS, a notice of intent to adopt this Ordinance was duly adopted by the Board of Directors in accordance with statute.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE ONSLOW WATER AND SEWER AUTHORITY DO TH ORDAIN:

1. Article VI of the Utility Ordinance is hereby amended to read as follows:

### **ARTICLE VI - Water System Cross-Connection Control (FINAL 03/15/2018)**

#### **Section 6.1 - Cross-Connection Control**

This article is in accordance with the minimum requirements of the Federal Safe Drinking Water Act, the North Carolina State Department of Environmental Quality (NCDEQ), the North Carolina State Administrative Code Chapter 15A Subchapter 18C, and the North Carolina State Plumbing Code that pertain to cross-connections with public potable water systems. When there are conflicts between these or other applicable local, state, or federal regulations and this Ordinance, the most stringent shall govern.

This article shall apply to all Consumers connected to the Authority's public potable water supply system. There are no exemptions or vested uses that would prohibit the Authority from requiring the installation of backflow prevention assemblies on existing water services when existing or potential cross-connection hazards are found that pose a threat to the public potable water supply system.

Information regarding approved backflow prevention assemblies, installation requirements and a list of cross-connection hazards are on file at the Authority's main office.

## Section 6.2 - Purpose and Objectives

The purpose of this Article is to prevent any waterborne disease, organism, pollutant or contaminant from entering the Authority's public potable water system through:

- (a) The installation of approved backflow prevention assemblies whenever new service connections are installed at locations where identified or potential cross-connection hazards will exist.
- (b) The elimination of cross-connections whenever an identified or potential hazard is found to exist as the result of a site survey. Site surveys occur upon request, a change in account holder and/or change in the type of use, or when the plans for modification of water service connections are subject to review and approval by the Authority.

The specific objectives of the Authority's Cross-Connection Control Program are as follows:

- (a) To be compliant with all local, state and federal regulations regarding Backflow Prevention and Cross-Connection Control.
- (b) To systematically eliminate all unprotected cross-connections within the Authority's public potable water system.
- (c) To protect the public potable water system of the Authority against actual or potential contamination, by isolating within each consumer's water system contaminants or pollutants that could, under adverse conditions, backflow through unprotected cross-connections into the public potable water system.
- (d) To provide a continuing monitoring and inspection program that identifies and effectively controls or eliminates actual or potential cross-connections to the public potable water system.

## Section 6.3 - Responsibilities

- (a) State of North Carolina - The North Carolina Department of Environmental Quality (NCDEQ), Public Water Supply Section (PWSS) has the responsibility of promulgating and enforcing laws and regulations of all water purveyors in the State of North Carolina in carrying out an effective Cross-Connection Control Program. This includes requiring the implementation of cross-connection control programs for all water purveyors under its jurisdiction.
- (b) ONWASA - Except as otherwise provided herein, the Authority's responsibility is to provide a public water supply as safe as reasonably possible beginning at the source and continuing throughout all of the public water distribution system, including service connections and ending at the point of delivery to the Consumer's potable water system. To provide proper

precautions are taken, the Authority shall endeavor to identify, prevent, and eliminate potential hazards to the public potable water system.

- (c) Consumer - Each Consumer has the primary responsibility for preventing pollutants and contaminants from entering the Consumer's potable water system(s) and subsequently the Authority's public potable water system. The responsibility of each consumer starts at the point of delivery from the public potable water system and includes all of the Consumer's potable water system(s).
  
- (d) Backflow Prevention Assembly Certified Tester - A backflow prevention assembly certified tester shall be responsible for performing competent inspections of backflow prevention assemblies and making timely, accurate reports of their findings to the Consumer, the Authority and all other responsible regulatory authorities.

#### **Section 6.4 - Right of Entry**

Authorized representatives from the Authority shall have the right to enter any building, structure, or premises during normal business hours unless such entry has been denied by the customer, or in the event of denial of entry by the customer, with an administrative search warrant, or at any time in the event of an emergency, to perform any duty imposed by this article. Those duties may include, but not be limited to, sampling and testing of water, as well as inspections and observations of all piping system(s) connected to the public potable water supply system.

Where a Consumer has security measures in force that require proper identification and clearance before entry onto their premises, the Consumer shall make all necessary arrangements with the security personnel so that upon presentation of suitable identification, and such other legal authority as required, Authority employees shall be permitted to enter, without delay, for the purposes of performing their specific duties. Discontinuance of water service may be required, if determined necessary by the Authority, until a backflow prevention assembly appropriate to the level of hazard has been installed.

Upon request by the Authority, the Consumer shall furnish the Authority any pertinent information regarding the water supply system on such property where backflow protection is deemed necessary.

#### **Section 6.5 – Prevention and Elimination of Cross-Connections**

When it is determined that a potential cross-connection hazard exists and installation of a backflow prevention assembly is required for the protection of the public potable water supply system, the Authority shall require the Consumer, at their own expense, to have an approved backflow prevention assembly installed at each service connection and to have it tested in accordance with the requirements of this Article.

When an actual cross-connection is found to exist, the Consumer shall be notified in writing to disconnect the same and install an approved backflow prevention assembly within a time limit established by the Authority. The degree of protection required and maximum time allowed for compliance shall be based upon the potential degree of hazard to the public potable water system:

- (a) Unprotected cross-connections with private wells or other public/private water supplies shall result in immediate disconnection of Authority water service. Service shall not be restored until the cross-connection is eliminated or a backflow prevention assembly meeting the requirements of Section 6.9 is installed.
- (b) All facilities that pose a potential health hazard to the potable water system shall have an approved reduced pressure principle assembly (RP) installed within sixty (60) days of notification to do so.
- (c) All newly constructed industrial and commercial facilities required to install a backflow prevention assembly shall install the appropriate assembly (as specified in Section 6.9) prior to the release of meters to initiate water service.

All existing backflow assemblies that are not installed in compliance with the requirements set forth by this Article, whether discovered during a site survey or upon failure to pass an annual test (See Section 6.8), shall be brought into compliance upon notification from the Authority within the timeframes specified above, based upon the potential degree of hazard to the public potable water system.

#### **Section 6.6 - Approved Backflow Prevention Assemblies**

The following requirements shall apply to all backflow prevention assemblies installed on Consumer potable water systems connected to the Authority's public potable water supply system:

- (a) Backflow prevention assemblies shall be included on the "List of Approved Backflow Prevention Devices" published by the University of Southern California (USC), shall meet American Society of Sanitary Engineers (ASSE) standards and carry the ASSE seal.
- (b) The Authority reserves the right to reject the installation of any reduced pressure principle assembly (RP) or double check valve assembly (DCVA) on the list referenced in Item (a) if it is determined by the Authority that the assembly will not provide sufficient cross-connection protection at that location.

#### **Section 6.7 - Installation of Backflow Prevention Assemblies**

Installation of backflow prevention assemblies shall be performed by a North Carolina Licensed Plumber in accordance with the requirements set forth by this Article, the Authority's *Manual of Standards, Specifications and Details (MSSD)* - current edition, the manufacturer's

installation instructions and/or in the latest edition of the North Carolina Plumbing Code, whichever is most stringent.

ALL BACKFLOW PREVENTION ASSEMBLY INSTALLATIONS SHALL BE INSPECTED AND APPROVED BY THE AUTHORITY PRIOR TO INITIAL CONNECTION TO THE PUBLIC POTABLE WATER SYSTEM.

### **Section 6.8 - Testing and Repair of Assemblies**

The testing and repair of backflow prevention assemblies shall be performed in accordance with the following:

- (a) Testing shall be performed by a Backflow Prevention Assembly Certified Tester (Certified Tester) holding a current certificate of completion from a North Carolina AWWA-WEA approved training program in Backflow Cross-Connection Prevention. Proof of current certification shall be provided by the Certified Tester to the Authority and must be on file with the Authority prior to the submittal of any test reports.
- (b) Testing of backflow prevention assemblies shall utilize all tools, gauges, manometers and other equipment designed for that purpose and necessary to properly perform the testing. All test equipment shall be checked for accuracy annually and calibrated via methods specified by the manufacturer of the testing equipment. Proof of certification of accuracy and calibration to National Institute of Standards and Technology (NIST) requirements shall be provided by the Certified Tester to the Authority annually and upon request.
- (c) Failure of a Certified Tester to submit the complete and accurate documentation required under items (a) and (b) prior to the submittal of test reports shall result in the rejection of those test reports by the Authority.
- (d) Tests are to be conducted upon initial installation of the backflow prevention assembly and annually (every 365 days) thereafter, or at a frequency established by the Authority's regulations. A record of all test results shall be prepared by the Certified Tester in a format specified by the Authority and copies shall be provided to the Authority within ten (10) business days after the completion of any testing or the activation of water service.
- (e) The Certified Tester shall notify the Authority within one (1) business day any time that repairs to backflow prevention assemblies are deemed necessary. These repairs shall be completed by a North Carolina Licensed Plumber within ten (10) business days after a failed test, and a report submitted to the Authority once repairs are completed.
- (f) In the event the Consumer fails to comply with the testing requirements established under this Article, the Authority shall implement the penalties referenced in Section 6.12. This includes performing the required testing and charging the associated cost to the Consumer.

- (g) The Authority may conduct random testing of individual backflow prevention assemblies to verify proper operation. The Consumer shall be given notice prior to the test date.
- (h) All current and/or future Air Gap installations (including new construction) shall be inspected at a frequency determined by the Authority to ensure the safety of the public potable water system.

THE SUBMISSION OF ANY RECORD TO THE AUTHORITY BY ANY CONSUMER OR CERTIFIED TESTER THAT IS FALSE OR INCOMPLETE, AS WELL AS FAILURE TO SUBMIT ANY RECORD REQUIRED BY THIS ORDINANCE, IS PROHIBITED.

### **Section 6.9 - Facilities Requiring Backflow Protection Assemblies**

In accordance with the guidance provided within NCAC Chapter 15A, Subchapter 18C Appendix B, the types of facilities or services listed in this section have been identified by the Authority as having a potential for backflow of non-potable water into the public water supply system. An approved backflow prevention assembly shall be required on all such services, according to the degree of hazard present.

For the purposes of this Article, waterfront facilities shall be defined as any structure which has an exterior potable water fixture located within fifty (50) feet of the high tide mark and/or water's edge of any permanent source of non-potable water (i.e. ocean, sound, canal, river, stream, or pond).

#### **Residential Customers**

- (a) All residential waterfront facilities require the installation of an RP Assembly.
- (b) All residential properties with a swimming pool directly plumbed to the public potable water system require the installation of an RP Assembly or an Air Gap meeting the requirements of the NC Plumbing Code and approved by the Authority.
- (c) All residential properties with an irrigation system directly plumbed to the public potable water system require the installation of an RP Assembly on the service line connected to the irrigation system.

#### **Commercial Customers**

- (d) Commercial facilities that have identified pressure and/or chemical hazards associated with their activities require the installation of an RP Assembly.
- (e) Structures designed for flexible commercial uses (i.e. strip malls/generic retail space) require the installation of an RP Assembly on the service line to each unit in the development.

- (f) All commercial waterfront facilities require the installation of an RP Assembly.
- (g) Commercial facilities with no identified health hazard are required, at a minimum, to install a Double Check Valve Assembly (DCVA) on their public potable water system service unless all of the following criteria are met and they are therefore exempt from this requirement:
  1. The facility contains no moderate or severe hazards, which can be verified by ONWASA personnel who are trained and authorized to inspect the facility for compliance with this Section.
  2. The facility is not designed for flexible or generic retail use, or is under the direct control of the property owner.
  3. The facility utilizes only residential-type plumbing fixtures (i.e. toilets, hand sinks and showers) for employee and/or customer use.
  4. The facility does not include or provide for the bulk storage of lethal, hazardous or toxic materials.

The Authority shall prepare and maintain a list of commercial facility categories, the level of hazard associated with those facilities, and the type of backflow prevention assembly required to comply with this Article.

Other types of facilities or services not listed above may be required to install approved backflow prevention assemblies, based on the potential level of hazard, when deemed necessary by the Authority. When a site survey is conducted at existing facilities and a cross-connection is found or known to exist, or when it is necessary to repair an existing backflow assembly that is not in conformance with this Article, the hazard designation of the facility may be revised and require the installation of the appropriate backflow prevention assembly.

No person shall fill tanks, containers, buckets, etc. containing pesticides, fertilizers, or other toxins (or their residues) from the public water system except at a location equipped with an approved Air Gap or a Reduced Pressure Principle (RP) Assembly properly installed and fully operational.

#### **Section 6.10 - Connections with Alternative Sources of Supply**

No person shall connect or cause to be connected to the Authority's public potable water system any alternative supply of water not currently permitted by the State of North Carolina, Department of Environmental Quality. Any connections to permitted alternative sources of supply that are allowed by the Authority shall comply with the backflow prevention requirements of this Article.

Water mains served by the Authority but not maintained by the Authority are considered cross-connection hazards, and the required type of backflow prevention assembly shall be based upon the degree of hazard as determined by the Authority. In the event that an Authority employee does not have sufficient access to every portion of a private water system to completely evaluate the

degree of hazard, an approved Reduced Pressure Principle (RP) Assembly shall be required as a minimum for protection.

In the event of contamination or pollution of the alternative source of supply, the Consumer shall notify the Authority immediately in order to ensure that appropriate measures are taken to overcome and eliminate the contamination or pollution.

#### **Section 6.11 - Fire Protection Systems**

All existing backflow assemblies installed on fire protection systems in operation at the time these regulations are approved shall be allowed to remain on the premises as long as they are being properly maintained, tested and repaired as required. If the existing assembly must be replaced, or in the event of proven water theft through an un-metered service, the Consumer shall be required to install an approved Reduced Pressure Principle Detector Assembly (RPDA) or an RP Assembly and water meter (as determined by supply line size). All backflow preventers for fire protection shall also meet the requirements of any applicable building and fire codes.

#### **Section 6.12 - Notices of Violation**

The Consumer and/or Owner of any installation found to be in violation of the provisions of this Ordinance shall receive a written explanation of the violation, the actions to be taken, and the time period within which the violation must be corrected. This notice shall be served by personal delivery, a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), or certified mail to the Consumer and/or Owner. Should the Authority be unable to serve the Consumer and/or Owner by the aforementioned methods, then service shall be effectuated by First-Class mail together with posting the notice of violation on the subject property.

Failure by the Consumer and/or Owner to correct the violation within the time specified may result in civil penalties or fines, as outlined in Article XII of this ordinance. Failure to pay any civil penalty or assessed fine shall be just grounds for termination of the Authority's water service. Service shall be re-established when the violation is corrected and applicable civil penalties and other required fees are paid.

**(END OF SECTION)**

# BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS FOR COMMERCIAL FACILITIES

*(Adapted from NCAC Chapter 15A, Subchapter 18C, Appendix B)*

- Key:** DCVA - Double Check Valve Assembly  
 RP - Reduced Pressure Principle Assembly  
 RPDA - Reduced Pressure Principle Detector Assembly

MODERATE HAZARDS	
1. Auxiliary water systems: permitted public water supply	DCVA
2. Buildings - Hotels, apartment houses, public and private office buildings, or other structures having unprotected cross-connections: under 5 stories with no identified health hazard	DCVA
3. Commercial establishments with no identified health hazard, unless exempted under the requirements of Article VI, Section 6.9(i)	DCVA
4. Industrial facilities with no identified health hazard	DCVA
5. Mobile home parks (master metered) with no identified health hazard	DCVA
SEVERE HAZARDS	
1. Automotive service stations, dealerships and assembly plants	RP
2. Auxiliary water systems: non-permitted public/private water supply	RP
3. Bakeries with an identified health hazard	RP
4. Beauty/barber shops with an identified health hazard	RP
5. Beverage bottling plants and breweries	RP
6. Buildings - hotels, apartment houses, public and private office buildings, or other structures having unprotected cross-connections:	
6A. Buildings under five (5) stories with identified health hazards	RP
6B. Buildings over five (5) stories regardless of health hazard	RP
6C. All buildings with booster pump facilities	RP
7. Canneries/packing houses/rendering plants	RP
8. Chemical processing plants and storage/distribution facilities	RP
9. Commercial car wash facilities	RP
10. Commercial greenhouses and farms	RP
11. Concrete and asphalt plants	RP
12. Dairies and cold storage facilities	RP
13. Fire suppression systems: 3/4 to 2 inch supply lines (with separate meter)	RP
14. Fire suppression systems: 2-1/2 to 10 inch supply lines	RPDA
15. Flexible/generic retail or commercial space	RP
16. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals	RP
17. Laundry and dry cleaning facilities	RP
18. Lawn irrigation systems	RP

CONTINUED ON OTHER SIDE

CONTINUED FROM OTHER SIDE

SEVERE HAZARDS

19. Metal manufacturing, cleaning, processing, and plating plants	RP
20. Mobile home parks (master metered) with an identified health hazard	RP
21. Oil and gas production, storage, transmission and distribution facilities	RP
22. Pest control facilities	RP
23. Power generation facilities	RP
24. Facilities with radioactive materials present on site	RP
25. Restaurants with an identified health hazard	RP
26. Restricted, classified, or other limited access facilities	RP
27. Sand and gravel plants	RP
28. Schools, daycare facilities, colleges, and learning institutions	RP
29. Sewage collection, treatment and storm drainage facilities	RP
30. Swimming pools	RP
31. Tattoo parlors	RP
32. Waterfront facilities and ancillary waterfront structures	RP
33. Any commercial / Industrial facilities not listed above, with an identified health hazard	RP

2. Section 6.9 (a) of Article VI shall become effective as to existing structures on March 15, 2020. The rest and remainder of the ordinance shall be effective upon adoption.

3. Should any portion of this Ordinance be determined to be ultra vires, illegal, or unconstitutional, the rest and remainder of this Ordinance shall remain in full force and effect.

This the 15<sup>th</sup> of March, 2018



Attest:

*Heather W. Norris*

Heather Norris, Clerk

Gregory Hines, Chairman

## ORDINANCE AMENDING UTILITY ORDINANCE

WHEREAS, it has appeared to the Board of Directors that it is in the best interest of the public to amend its Utility Ordinance to create greater efficiencies and better serve our customers; and

WHEREAS, the Board of Directors of the Authority have the power to adopt and amend a utility ordinance pursuant to N.C. Gen. Stat. § 162A-6; and

WHEREAS, the Board of Directors has previously passed a declaration of intent to adopt amendments to the Utility Ordinance; and

WHEREAS, the Board of Directors finds that it is necessary and convenience to adopt the amendments as set forth in the declaration of intent.

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE ONSLOW WATER AND SEWER AUTHORITY DOTH ORDAIN:

1. Section 1.5 Application for New Service is amended to read as following:  
The application shall include identification number and state of the applicant's government-issued photo identification. The Authority may require a copy of the government-issued photo identification. The Authority may refuse service if the provision of utility service would present a dangerous condition.
2. Section 1.7 Initial Fees is amended to read as following:  
The application shall include identification number and state of the applicant's government-issued photo identification. The Authority may require a copy of the government-issued photo identification. The application shall also include the Security Deposit, System Development Fee, Inspection Fee and other required fees and charges, as applicable.
3. Section 1.15 Water Turn-on is amended to read as following:  
If at the time water is turned on and no one is present at the premises and it is determined by the Authority that water is running at the premises, Authority personnel will turn off the flow of water.
4. Section 1.17 High Usage is amended to read as following:  
When Authority personnel read a water meter and see a visible leak, or dial turning, they will attempt to make contact at the residence. If no contact is made a door hanger will be left notifying the customer of a possible leak. If the Authority notices an abnormal increase in usage, the Authority will notify the customer by phone, email or letter.
5. Section 2.3 Tests is amended to read as following:  
If the meter has no such error, the customer will pay a Meter Test Fee.
6. Section 4.2 Deposits, First Paragraph is amended to read as following:  
If a customer maintains a good credit history with the Authority for a continuous period of twenty-four (24) months, the Authority shall apply the Deposit to the customer's account with the exception of commercial, irrigation, multi-user, and hydrant meter accounts.

7. Section 5.2 Payments is amended to read as following:  
A utility bill for any billing period shall be considered delinquent if not paid on or before the 21<sup>st</sup> day after the statement date.
8. These amendments shall be effective upon enactment.

This the 19<sup>th</sup> day of March 2020.



---

Jerry A. Bittner, Chairman

Attest:

---

Heather W. Norris, Clerk

## ORDINANCE AMENDING UTILITY ORDINANCE

WHEREAS, the ONWASA Board of Directors had created a program to help elderly persons pay system development fees; and

WHEREAS, due to the passage of Session Law 2020-61, the program no longer complies with State statute; and

WHEREAS, the Board of Directors desires to bring the Utility Ordinance into compliance with the amended statute.

NOW, THEREFORE, the Board of Directors of the Onslow Water and Sewer Authority doth ordain:

1. Section 1.7 of the Utility Ordinance is amended to read as follows:

### **Section 1.7 - Initial Fees**

The application shall include identification number and state of the applicant's government-issued photo identification. The Authority may require a copy of the government-issued photo identification. The application shall also include the Security Deposit, System Development Fee, Inspection Fee and other required fees and charges, as applicable. Failure to make any payment or payments under any prior payment agreement for any reason, including death of the applicant, shall result in suspension of the utility service, and Section 10.6 herein shall apply.

2. Section 4.1 of the Utility Ordinance is amended to read as follows:

### **Section 4.1 - General**

#### **Charges Related to New Utility Service**

a) System Development Fee – a charge or assessment for service imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, the amount of which shall be based on meter size. System Development Fees shall be paid at the time of application for new utility service. Any Person undertaking any “development” (defined below) to be connected to the Authority Utility Facilities shall pay the System Development Fee. If a meter size on which the fee is based is not described in the Rate and Fee Schedule or if there is no meter, and for all collection of liquid condensate from residential heating and cooling systems, the amount of the System Development Fee shall be determined by the Executive Director based upon the anticipated water use and sewage generation rates for sizes in question.

(b) Application Fee – a fee due when a Person applies for new and existing utility service.

(c) Inspection Fee – a fee to cover the cost to the Authority of witnessing, inspecting and approving the work of a contractor engaged by an applicant to connect the applicant's Owner Service Facilities to Authority Utility Facilities.

(d) Meter Fee – a charge to cover the cost of the water meter when the tap is being made by a licensed contractor and not the Authority, and/or replacement cost of damaged meter, yoke, angle stop, and appurtenances.

(e) Tap Fee – a one-time charge to cover the cost to the Authority of installing services of Authority Utility Facilities which benefit only the consumer being served. Tap Fees shall be paid at the time of application for new utility service.

(f) Initial Connect Fee – a one-time administrative fee due when new service is connected to Authority's Utility Facilities, or existing account is transferred from one customer to another.

3. This amendment shall be effective on and after January 1, 2021.

This the 19<sup>th</sup> day of November 2020.



*Jerry A. Bittner*

---

Jerry A. Bittner, Chairman

Attest:

*Katherine W. Norrie*  
Clerk

## **ORDINANCE AMENDING UTILITY ORDINANCE**

WHEREAS, the Onslow Water and Sewer Authority has previously adopted a Utility Ordinance governing the operation of the water and sewer system pursuant to N.C. Gen. Stat. § 162A-6(14c); and

WHEREAS, the Board of Directors has determined that there are revisions which may be made to the Ordinance which will create greater efficiencies and better serve the citizens who use the services of the Onslow Water and Sewer Authority.

NOW, THEREFORE, THE BOARD OF DIRECTORS FOR THE ONSLOW WATER AND SEWER AUTHORITY DOETH ORDAIN:

1. **Section 1.1 – Definitions** of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

### **SECTION 1.1 – DEFINITIONS**

#### **AESTHETICALLY OBJECTIONABLE WATER**

Shall mean water containing substances which, if introduced into the public water supply system, could be a nuisance to other water consumers but would not adversely affect human health. Examples of such substances are food grade dye, silica, iron and stagnant water from fire lines in which no chemical additives are used, etc.

#### **AIR GAP SEPARATION**

Shall mean a physically separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap separation” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel – in no case less than one (1) inch (2.54 cm).

#### **ALLOCATION**

Shall mean a conditional designation of estimated sewer treatment or water capacity to a specific owner and project, subject to the provision of this Ordinance and any document of approval.

#### **ALLOCATION PHASE**

Shall mean a provision included as part of an allocation to a specific development that defines the amount of the total allocation which may be used at a specified time.

#### **APPROVED**

Means meets or exceeds the applicable specifications and standards set forth by the Authority, entities that establish industry standards including the University of Southern California Foundation for Cross-Connection and Hydraulic Research (USC), American Water Works Association (AWWA), and American Society of Sanitary Engineers (ASSE) and all regulatory agencies including North Carolina Departments of Environment Quality (NCDEQ), Transportation (NCDOT), and Environmental Health (NCDEH).

**AUTHORITY UTILITY FACILITIES**

Shall mean all parts of the Authority’s water and sewer utility system and generally includes water lines, sewer lines, treatment facilities, pump stations, hydrants, water meters, meter boxes, cut-off valves and other facilities related to providing water and wastewater utility service but excluding any *Owner Service Facilities* as defined below.

**BACKFLOW**

Shall mean the act of preventing any actual or potential waterborne disease, organism, contaminant, or pollutant through a direct or indirect cross-connection by isolating or containing it with the use of assemblies, devices, methods, and procedures.

**BACKFLOW PREVENTION**

Shall mean the act of preventing any actual or potential waterborne disease, organism, contaminant, or pollutant through a direct or indirect cross-connection by isolating or containing it with the use of assemblies, devices, methods, and procedures.

**BACKFLOW PREVENTION ASSEMBLY APPROVED**

Shall mean an assembly, used for containment and/or isolation purposes to prevent backflow into a consumer or public potable water system, that has been investigated and approved by the Authority. The type of assembly used should be based on the degree of hazard, either existing or potential. The types are:

- a. Double Check Valve Assembly (DCVA)
- b. Double Check Detector Assembly (DCDA)
- c. Pressure Vacuum Breaker (PVB)
- d. Reduced Pressure Principle Assembly (RP)
- e. Reduced Pressure Principle Detector Assembly (Fire System) (RPDA)

**BACKFLOW PREVENTION ASSEMBLY UNAPPROVED**

Shall mean an assembly that has been investigated by the Authority and has been determined to be unacceptable for installation on the potable water system. Consideration for disapproval and removal from the approved list shall be based on, but not limited to, the following criteria:

- a. Poor performance standards
- b. Lack of or unavailability of repair parts; or
- c. Poor service or response from assembly’s factory representative

**BACKFLOW PREVENTION ASSEMBLY CERTIFIED TESTER**

Shall mean a person who has proven their competency to the Authority. Each person who is certified to make competent tests or to repair, overhaul, and make reports on back flow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations. Each person shall have qualifications acceptable to the Authority and must hold a certificate of completion from North Carolina AWWA/WEA approved training program in Backflow Cross-Connection Prevention.

**BACK-PRESSURE BACKFLOW**

Shall mean an elevation in the consumer’s water system pressure by a pump, elevated tank, boiler, or other means that could create a pressure greater than the supply pressure at the point of delivery which would cause or tend to cause a reversal of the normal direction of flow.

**BACK-SIPHONAGE BACKFLOW**

Shall mean a reversal of the normal direction of the flow in the pipeline due to negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

**BUILDING SEWER**

Shall mean the private plumbing pipes or any other plumbing facilities of an Owner pursuant to which wastewater is discharged from the Owner’s premises to *Authority Utility Facilities*.

**CHECK VALVE APPROVED**

Shall mean a check valve that is drip tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet pressure is zero. The closure element shall be internally loaded to promote rapid and positive closure.

**COMMERCIAL METER**

Shall mean a meter serving multiple units that will remain indefinitely under one common ownership or large commercial building as set forth in Article II, Section 2.1.

**CONSUMER**

Shall mean any person, firm, or corporation using or receiving water from the Authority’s water system.

**CONSUMER’S WATER SYSTEM**

Shall mean any water system commencing at the point of delivery and continuing throughout the consumer’s plumbing system, located on the consumer’s premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

**CONSUMER’S POTABLE WATER SYSTEM**

Shall mean the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. The system will include all pipes, conduits, tanks, receptables, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

**CONTAINMENT**

Shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

**CONTAMINANT**

Shall mean any physical, chemical, biological, or radiological substance or matter in water.

## **CONTAMINATION**

Shall mean an impairment of the quality of the water which creates a potential or actual hazard to the public health through the introduction of a contaminant.

## **COOKING ESTABLISHMENTS**

Shall mean those establishments primarily engaged in the activities of preparing, serving, or otherwise making available food for consumption and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods) boiling, blanching, roasting, toasting, or poaching and which discharge wastewater to the Authority's system. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

## **CROSS-CONNECTION**

Shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system and any other source or system through which it is possible to introduce any contaminant or pollutant, into the potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivels or change over devices, and other temporary or permanent devices through which, or because of which, "backflow" can or may occur are cross-connections.

## **CROSS-CONNECTION CONTROL**

Shall mean the use of assemblies, devices, methods and procedures to prevent contamination or pollution of a potable water supply through cross-connection.

## **DIRECT CROSS-CONNECTION**

Shall mean a permanent connection with a physical link between the drinking water supply and a non-potable source.

## **DOUBLE CHECK VALVE ASSEMBLY**

Shall mean an assembly composed of two (2) single independently acting approved check valves, including tightly closing shut off valves attached at each end of the assembly and fitted with properly located test cock. This assembly shall be used to protect against a non-health hazard (Hazard, Non-Health)

## **DOUBLE CHECK DETECTOR ASSEMBLY**

Shall mean a specifically designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. This assembly shall only be used to protect against a non-health hazard (Hazard, Non-Health).

## **DWQ**

Shall mean the Division of Water Quality which is part of the North Carolina Department of Environment and Natural Resources, or its successors.

**ENCLOSURE**

Shall mean a physical above ground apparatus used to help prevent a backflow preventer from freezing and is ASSE 1060 approved.

**EXECUTIVE DIRECTOR**

Shall mean the Authority's Executive Director, its chief administrative officer.

**FATS, OILS, AND GREASES (FOG)**

Shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases".

**FLEX SPACE**

Shall mean any commercial facility or system which has the potential to change its use frequently without sufficient notice for inspection and poses a hazard, e.g., strip malls and shopping plazas.

**FOOD PREPARATION OR SERVING FACILITY**

Shall mean any commercial or industrial facility that prepares or serves food, including but not limited to a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment that discharges wastewater to the Authority's system.

**GREASE TRAP OR INTERCEPTOR**

Shall mean a device for separating and retaining waterborne grease and grease complexes prior to the wastewater exiting the trap and entering the Authority sanitary sewer collection and treatment system. The devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Interceptors".

**GRINDER PUMP SYSTEM**

Shall mean a residential sewage collection and discharge system that includes a simplex grinder pump and storage basin, discharge service force main and all appurtenances, electrical control panels and any other associated items necessary for the installation and operation of these systems whose sole purpose is for the collection and discharge of wastewater from private residences to the Authority's public force main. Grinder pump systems connecting to gravity sewer mains or services are considered private systems and are, therefore, excluded from the requirements set forth in this ordinance.

**HAZARD - HEALTH**

Shall mean an actual or potential threat of contamination or pollution of a physical, hazardous or toxic nature to the public or consumer's potable water system to such a degree or intensity that

there would be a danger to health.

**HAZARD - NON-HEALTH**

Shall mean an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers but would not adversely affect human health. Examples include taste, smell, aesthetics, etc.

**HAZARD - POLLUTION**

Shall mean an actual or potential threat to the quality or the potability of the public or the consumer's potable water system, but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances. Examples include iron, calcium, silica, low level sulfur, etc.

**HAZARDOUS FACILITY**

Shall mean one in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse effect on the health of other water consumers. Examples of such facilities are laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries, irrigation systems, etc.

**HEALTH AGENCY**

Shall mean the North Carolina Department of Environment and Natural Resources Division of Environmental Health.

**INDUSTRIAL FLUIDS**

Shall mean any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters, chemicals in fluid form, acids, alkalis, oils, etc.

**INDUSTRIAL PIPING SYSTEM**

Shall mean any system used by the consumer for transmission, confinement, or storage of any fluid, solid, or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey or store substances, which are or may be polluted or contaminated.

**IRRIGATION SERVICE**

Shall mean water service used for irrigation.

**ISOLATION**

Shall mean the act of confining a localized hazard within a consumer's water system by installing approved backflow prevention assemblies. The Authority may make recommendations, upon facility inspection, as to the types of isolation devices/assemblies to be

used but does not assume or have any responsibility whatsoever for such installations.

**NCDEQ**

Shall mean the North Carolina Department of Environment Quality or its successors.

**NON-COOKING ESTABLISHMENTS**

Shall mean those establishments primarily engaged in the preparation of pre-cooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

**NON-POTABLE WATER**

Shall mean water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

**OWNER**

Shall mean the fee simple owner of real property whose premises is or can be provided utility service by the Authority.

**OWNER SERVICE FACILITIES**

Shall mean (i) the water service facilities owned by an owner and commencing at the connection on the Owner's side of the Authority's meter and servicing the premises of such Owner, including pipe, private cut-off valves, Backflow Prevention Assembly, pressure reducing valve and other components, and (ii) the *Building Sewer* running from the Owner's premises to the sewer tap provided by the Authority to which an Owner connects private plumbing.

**PERSON**

Shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

**PLATE REVIEW FEE**

Shall be a fee for reviewing and approving plats submitted for signature accepting dedication of utilities constructed by a Developer and approved by the Authority.

**PLUMBING HAZARD**

Shall mean a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an air gap separation, double check valve assembly, a reduced pressure principle assembly, or other approved back flow prevention devices.

**POINT OF DELIVERY**

Shall generally be at the property line of the customer where the meter is situated, adjacent to the public street where the Authority's main is located. This shall be where the Authority loses jurisdiction and sanitary control over the water system infrastructure, and where the customer becomes responsible for all water piping, control devices, etc. located on his side of the point of delivery.

**POINT OF DISCHARGE**

Shall generally be at the property line of the customer near the sanitary sewer cleanout or commercial grinder pump station valve box is situated, adjacent to the public street where the Authority’s main is located. Where the sewer line is not located in a street, or the street right of way cannot be readily determined, the *Point of Discharge* shall be at the adapter coupling immediately adjacent to the sewer line. For single residences served by a grinder pump station that connects to a sewer force main, the *Point of Discharge* shall be located at the point where the building sewer connects to the wet well. This shall be where the Authority loses jurisdiction and sanitary control over the sewer system infrastructure, and where the Owner becomes responsible for all piping, control devices, etc. located on his side of the point of delivery.

**POLLUTANT**

Shall mean a substance that deteriorates the aesthetic quality of water or other materials but is not harmful to health. Pollutants are considered non-health hazards or low hazards.

**POLLUTION**

Shall mean an impairment of the quality of water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

**POTABLE WATER**

Shall mean water from any source that meets the Safe Drinking Water Standards and has been investigated by the North Carolina Department of Environmental Health and Natural Resources and ONWASA, and which has been approved for human consumption.

**PUBLIC POTABLE WATER SYSTEM**

Shall mean any publicly or privately-owned water system operated as a public utility, under a current North Carolina Department of Environmental Health and Natural Resources permit, to supply water for public consumption or use. To include all sources, facilities, and appurtenances, between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptables, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

**PWS**

Shall mean the Public Water Supply section which is a part of the North Carolina Department of Environment and Natural Resources, or its successors.

**RATE AND FEE SCHEDULE**

Shall mean the Rate and Fee Schedule adopted by the Authority from time to time setting forth the rates and charges imposed by the Authority. The type of rates and charges which the Authority currently imposes are defined in Article IV hereof.

**REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY**

Shall mean a specially designed assembly composed of a line size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. This assembly shall be used to protect against health hazard.

**SERVICE CONNECTION, WATER**

Shall include the tap, service piping, water meter, etc. installed from the public potable water system to the point of delivery.

**SERVICE CONNECTION, SEWER**

Shall include the tap, service piping, etc. installed from the public sanitary sewer main to the *Point of Discharge*.

**TEMPORARY CROSS-CONNECTION**

Shall mean a link between the potable water supply and any other non-potable system created with removable sections, swivel or change-over devices, garden hoses, and other non-permanent methods.

**TEST COCKS**

Shall mean an instrument or valve on a backflow prevention assembly used to test the assembly.

**UNIT**

Shall be a single, stand-alone commercial establishment, or same located within a larger structure such as a strip-mall or multi-storied commercial building; or a residence such as a house, townhouse, condominium, apartment, mobile home, or room(s) within a large structure that provides a space for occupants making up a single household to live and eat. For a room or apartment to be defined as a housing unit, it must be distinctly separated from other living spaces within the building. It must be directly accessible from an outer door or through an interior door in a shared hallway rather than by walking through another household's shared hallway or through another household's living space.

**USER**

Shall mean any person, including those located outside the jurisdictional limits of ONWASA, who contributes, causes, or permits the contribution or discharge of wastewater into the ONWASA sewer collection system, including persons who contribute wastewater from mobile sources, such as those who discharge hauled wastewater.

**VACUUM BREAKER ATMOSPHERIC TYPE (AVB)**

Shall mean a device containing a float check, a check seat, and an air inlet port. An atmospheric vacuum breaker is designed to protect against a non-health hazard under a back siphonage condition only.

**VACUUM BREAKER PRESSURE TYPE (PVB)**

Shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. This assembly is designed to protect against a health hazard under a back siphonage condition only.

**VEHICLE MAINTENANCE FACILITY**

Shall mean any commercial or industrial facility where automobiles, trucks, or equipment are serviced or maintained, including garages, service stations, repair shops, oil and lubrication shops, or similar establishments.

**WATERBOURNE DISEASE**

Shall mean any disease that is primarily transmitted through water.

**WATER PURVEYOR**

Shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.

**WATER SUPPLY, APPROVED**

Shall mean any public potable water supply which has been investigated and approved by ONWASA and the North Carolina Department of Environment and Natural Resources.

**WATER SUPPLY, AUXILIARY**

Shall mean any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public water supply or any natural source such as a well, spring, river, stream, etc., or "used water", or "aesthetically objectionable water" and constitute an unacceptable water source over which ONWASA does not have sanitary control.

**WATER SUPPLY, UNAPPROVED**

Shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environment and Natural Resources.

**WATER, USED**

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

2. **Section 3.1 – Method of Connection** of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

### **Section 3.1 Method of Connection**

Connections of Building Sewers to Authority Utility Facilities will be made in accordance with the following requirements:

- a. All Connections shall be made in accordance with the applicable provisions of the State of North Carolina Building Code and/or NCDEQ, if applicable.
- b. No connections that allow inflow to enter the Authority's system shall be permitted. Such prohibited connections shall include but not be limited to roof down spouts, exterior foundations drains, or other sources of storm water or groundwater.
- c. The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities, for grease, oil, grit, and sand traps or other interceptor as required by this Ordinance.
- d. Connections to Authority Utility Facilities will be made at the adapter coupling provided for the structure to be served.
- e. The connection of residential grinder pump systems shall be made in accordance with the State of North Carolina Building Code, ONWASA Utility Ordinance, and MSSD and all applicable manufacturer specifications by a North Carolina Licensed Utility Contractor. All costs associated with the design, permitting, and installation of the grinder pump system are the responsibility of the property owner.

3. **Section 3.2 – Maintenance of Building Sewer Damages** of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

### **Section 3.2 Maintenance of Building Sewer Damages**

Whenever a Building Sewer connected to Authority Utility Facilities becomes clogged, broken, out of order or discharging in a manner detrimental to the Authority Utility Facilities, or the public health and welfare, the Owner of any building or premises through which the Building Sewer, defined as running from the Point of Discharge to the served premises which collects wastewater, shall, upon notification by the Executive Director or his designee, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within thirty (30) days after receiving notification. Noncompliance shall result in disconnection of the sewer lateral at the point of connection to the Authority's public collection system and shall be subject to all applicable fees per the approved Authority Rate and Fee Schedule.

The property owner shall be responsible for maintaining sewer service laterals from the served premises to the Point of Discharge.

Residential grinder pump systems that are connected to an Authority sanitary sewer force main are maintained by the Authority from the point of connection at the main up to and including the grinder pump station and associated electrical controls, subject to the terms and conditions of the Grinder Pump Sewer Service Agreement signed by the customer.

4. **Section 3.4 – Basis for Billing Sewer Use** of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

**Section 3.4 Basis for Billing Sewer Use**

Sewer usage will be billed based on the minimum charge plus flow determined by the flow of the Authority’s water meter at the premises being billed. If sewer is provided to the premises to which the Authority does not provide water, or the sewer usage is unrelated to the usage of water, billing will be based at the option of the Authority on one of the following:

- a. Water meter readings at the premises for water supplied by another water provider or meter readings from a meter attached to any private well supplying the premises, which meter shall be provided and installed at the Owner’s expense.
- b. Flat Rate.

Bulk sewer usage fee will be billed based on the Base Charge plus the flow determined by the Authority’s water meter(s) or sewer meter(s) at the premises being billed. Billing method will be determined by the Authority.

5. **Section 4.1 – General** of the Onslow Water and Sewer Authority Utility Ordinance is amended to read as following:

**Section 4.1 - General**

The Authority shall annually, or more frequently if financial or other conditions dictate, establish rates and charges so that revenues of the Authority will be sufficient at all times to pay the cost of maintaining, repairing, and operating the Authority Utility Facilities, including reserves for such purposes, debt service on bonds and other debt obligations issued by the Authority and debt service reserves, the cost of utility system development and growth, and the cost of such other matters as the Authority deems appropriate. The Authority may set different rates for different service areas or different types of utility service (such as for Bulk or Commercial Meter service) where a basis of distinction exists to establish such differentiated rates. Such rates may include but shall not be limited to the following rates, fees and charges on the Authority’s Rate and Fee Schedule:

**Customary Monthly Charges**

- a. Base Water and Sewer Charge - a monthly charge for water and/or sewer for making utility service available year round and, the amount charged for each customer shall be based on the size of the customer’s water meter. For service through a Master Meter, the

fixed charges per unit shall assume a ¾ - inch meter; ¾ - inch meter charges apply to all residential meters, regardless of meter size. Bulk charges may include a component reflecting the debt service and paying for a portion of the fixed operating cost and obligation of the Authority. Payment of a Bulk Charge does not entitle a customer to any minimum usage allowance.

b. Water Bulk Fee – a fee for water sold to others for re-sale or for other services.

c. Flat Rate – a monthly charge for wastewater service where the Authority has no ability to or elects not to determine the volumetric usage of a customer. The Flat Rate shall include but not be limited to the estimated Availability and Debt Service Recovery Charges that would be applicable if a meter was in place.

d. Master Meter Fee – a fee for water and/or sewer services per meter that applies to all residential meters and Multi Users.

e. Sewer Bulk Fee – a fee for sewer use from a collection system that ties into a single point of discharge.

f. User Fee – a charge based on volumetric utility usage determined from meter readings or other method acceptable to the Authority, the amount of which increases as volumetric usage increases.

g. Volunteer Fire and Rescue Rate – a combination of flat and volumetric rate to be charged to volunteer rescue squads and fire departments.

### **Charges Related to Collection of Liquid Condensate**

a. User Fee – a charge based on the size and type of the Owner’s residential heating and cooling system connected to the Authority’s sanitary sewer collection system.

### **Charges Related to New Utility Service**

a. Impact Fee – a fee to recover the past or future capital cost of Authority Utility Facilities that have a system wide benefit, the amount of which shall be based on meter size. Impact Fees shall be paid at the time of application for new utility service. Any Person undertaking any” development” (defined below) to be connected to the Authority Utility Facilities shall pay the applicable Impact Fee. If a meter size on which the fee is based is not described in the Rate and Fee Schedule or if there is no meter, and for all collection of liquid condensate from residential heating and cooling systems, the amount of the Impact Fee shall be determined by the Executive Director based upon the anticipated water use and sewage generation rates for sizes in question.

b. Application Fee – a fee due when a Person applies for new and existing utility service.

- c. Inspection Fee – a fee to cover the cost to the Authority of witnessing, inspecting and approving the work of a contractor engaged by an applicant to connect the applicant’s Owner Service Facilities to Authority Utility Facilities.
- d. Meter Fee – a charge to cover the cost of the water meter when the tap is being made by a licensed contractor and not the Authority, and/or replacement cost of damaged meter, yoke, angle stop, and appurtenances.
- e. Tap Fee – a one-time charge to cover the cost to the Authority of installing services of Authority Utility Facilities which benefit only the consumer being served. Tap Fees shall be paid at the time of application for new utility service.
- f. Initial Connect Fee – a one-time fee due when new service is connected to Authority’s Utility Facilities, or existing account is transferred from one customer to another.

### **Other Fees and Charges**

- a. After Hour Fee – a fee for service calls which the consumer requests to be made after hours weekdays, weekends or holidays include but are not limited to such items as connections, reconnections, leaks or line breaks and the leak or break is to the Owner’s Service Facilities or to Authority Utility Facilities resulting from the negligence of the customer at the premises or the customer’s guests or agents.
- b. Civil Penalty – a penalty for violation of this Ordinance.
- c. Cut Lock Fee – a fee to cover the cost of replacing padlocks which have been removed from Authority water meters without the Authority’s consent.
- d. Credit Letter Fee – a fee for preparation of letters regarding a customer’s credit history with the Authority.
- e. Public Utilities Services Correspondence Fee – a fee for correspondence verifying that a residence has public utilities services.
- f. Hydrant Rate – a volumetric charge for the special use of water, such as withdrawal from a fire hydrant through a hydrant meter.
- g. Late Fee – a fee added to delinquent utility bills.
- h. Meter Testing Charge - a charge for testing meters measuring utility service.
- i. Miscellaneous Administrative Fees – fees for such matters as returned checks, copying, customer lists, debit bill payment by phone and such other categories as the Executive Director deems appropriate. Application of Miscellaneous Administrative Fees shall be determined by the Executive Director.

j. Plan Review Fee – a fee for reviewing and approving plans and specifications submitted for utility facilities to be constructed by others than the Authority and dedicated to the Authority upon completion.

k. Plat Review Fee - shall be a fee for reviewing and approving plats submitted for signature accepting dedication of utilities constructed and approved by the Authority.

l. Non-payment Processing Fee – A fee assessed when a bill is not paid in full in forty-five (45) days of the statement date. The fee will be applied to the account and due with any unpaid bills.

m. Service Call Fee – a service call fee will be charged to the customer’s account for items such as but not limited to the following:

- 1) Check a leak at the request of a customer (and the leak is found to be on the customer’s side).
- 2) Customer wants meter reread because of high water usage (and the meter is determined to be accurate).
- 3) Customer needs angle stop/yoke turned off to make repair. (Service call will include returning to the property to turn the meter back on).
- 4) Checking pressure (and pressure is determined to be appropriate in Authority infrastructure).
- 5) New service tap scheduled for installation but remains un-flagged when tap crew arrives (requiring rescheduling).
- 6) Customer request of water quality assurance (and water quality to meet all required parameters).

n. Tampering Charge – a charge for tampering with any Authority Utility Facilities.

6. This amendment shall be effective upon enactment.

This the 16<sup>th</sup> day of September, 2021.



Attest:

*Heather W. Norris*

\_\_\_\_\_  
Heather W. Norris, Clerk

A handwritten signature in dark ink that reads "Jerry A. Bittner".

\_\_\_\_\_  
Jerry A. Bittner, Chairman