PART 8 PUBLIC UTILITIES

Ch. 1. The Department of Public Utilities
Ch. 2. Water and Sewer Service

CHAPTER 1. THE DEPARTMENT OF PUBLIC UTILITIES

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Sec. 8-1002. Functions and duties of the department.

Sec. 8-1001. DIRECTOR, OFFICERS AND EMPLOYEES.

The Department of Public Utilities*shall* consist of a director, who *shall* be its administrative head, and such other *officers* and employees as deemed necessary by the Manager and *Council* and whose salaries *shall* be fixed by the *Council* .

Sec. 8-1002. FUNCTIONS AND DUTIES OF THE DEPARTMENT.

The functions and duties of the department include:

(a) Provision of management, staff assistance and accounting records support for the Public Utilities Department.

(b) Maintenance and operation at water treatment plants and laboratories to provide adequate quantities of potable water for residential, commercial and industrial use and to provide adequate water for fire protection purposes; and to supply pure water free of pathogenic organisms, harmful chemicals, objectionable materials and excessive controls which meets all regulatory requirements of state and Federal*agencies* .

(c) Construction, operation, maintenance, repairing and upgrading the water distribution system which includes the water main grid system, water transmission mains, valves, fire hydrants and other system components.

(d) Maintenance and operation of a water pollution control system by transporting, treating and disposing of waste water from the*City* and from other municipalities contracting with the *City* for such services.

(e) Construction, maintenance and operation of the sewage collection system of the*City* , including installing, replacing, repairing, rodding, cleaning and inspecting sewer mains, sewer outfalls and sewer interceptors, and the maintenance and repair of manholes and easements.

(f) Installation, maintenance, repair, and replacement of water meters, including the installation and repair of water and sewer lateral services in accordance with §§8-2003 and 10-6082(b) of this Code.

(g) Reception, maintenance and issuance of all materials used by the department's operating division; maintenance and conduct of minor repairs to water and sewer maintenance shop and storage grounds and provision of central radio base station for receiving and dispatching customers requests.

(Ord. No. 1985-543, §§34, 35, 4-16-85)

Charter references: Authority to acquire, provide, construct and operate waterworks and sewerage systems, §2.14(65); Department of Public Utilities, §6.26et seq.

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ARTICLE A. GENERAL PROVISIONS

Sec. 8-2001. DEFINITIONS.

As used in this chapter, the*following* terms *shall* have the meanings ascribed to them respectively:

Dedicators.

Dedicators *shall* mean and include the *person* owning or constructing any private utility system being dedicated to the *City* .

Gross acre.

Gross acre *shall* mean the total area contained within any lot, tract or parcel, including common areas and private *streets* for developments authorized by North Carolina Condominium Act or Article D, Chapter 3, Part 10 of this Code, which is derived from a map recorded with the Wake Registry notwithstanding any lien, covenant, land use restriction (such as floodway) or public or private easement which *may* affect the lot, tract or parcel; each lot, tract or parcel.

Major water and sewer mains.

Major water and sewer mains or ***major water and major sewer mains*** *shall* mean those water and/or sewer lines which are twelve (12) inches in diameter or greater.

Tap size.

Tap size *shall* mean the nominal diameter of the connection of the water line installed between a water meter assembly and the water main connected to the water utility system of Raleigh without regard to the configuration of that water assembly or ownership of the water meter assembly, service or water main.

Utility system, utility lines.

Utility system or ***utility lines*** *shall* mean and include water pipe lines and sewer pipe lines (either or both as determined by the context), and *shall* include all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the main water or sewer pipe lines and systems or both, and all appliances necessary and convenient thereto. The utility lines dedicated to the *City* *shall* include only main distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public *streets* , roads, highways and alleys or across *City* utility or sanitary sewer easements on private *property* , and *shall* not include lines leading from mains to building connections on private *property* and *shall* not include the water or sewer lines within any *residences* or other privately owned building. Utility lines built in accordance with *City* /County contract dated January, 1985, are part of the *City's* utility system.

Water service stubs and (building sewer) sewer service stubs.

Water service stubs and ***(building sewer) sewer service stubs*** *shall* mean those portions of the water service and building sewer pipes which connect to the *City's* water and sewer mains and extend to the boundaries of public easements and rights-of-way.

(Ord. No. 1985-543, §1, 4-16-85; Ord. No. 1995-760-TC-122, §13, TC-20C-95, 11-21-95)

Sec. 8-2002. CONNECTING WITH WATER PIPES.

It*shall* be unlawful for any *person* to connect any pipe or take by any means water from or interfere with the pipes of the waterworks system of the *City* without authorization from the Director of Public Utilities. In reviewing requests, the Director of Public Utilities *shall* consider the appropriateness of the size, location, character, and quality of all materials and connections. It *shall* be unlawful for any *person* , except *City* forces as directed by the Director of Public Utilities, to operate any valve in the water distribution system of the *City* .

(*Code 1959* , §23-11; Ord. No. 1984-338, §1, 4-17-84; Ord. No. 1985-543, §1, 4-16-85; Ord. No. 1986-746, §1, 3-18-86)

Editor's note: Copies of the "Public Utilities Handbook" which includes*City* standards and procedures are on file in the Public Utilities Department.

Cross reference: Technical provisions concerning plumbing requirement on making utility connections, §10-6071et seq.

Sec. 8-2003. REPLACEMENT OF WATER OR SEWER SERVICE STUBS.

In the event of the paving or widening of*streets* , or the raising or lowering of the grade of a *street* , or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new water or sewer lines initiated by the public, all *water and sewer service stubs may* be replaced so as to meet the standards prescribed by the *City* plumbing code. There *shall* be no charge for such replacements.
(*Code 1959* , §23-10; Ord. No. 1985-543, §2, 4-16-85)

Sec. 8-2004. RESPONSIBILITY FOR MAKING CONNECTIONS.

All water and sewer services*shall* be installed, extended, replaced or repaired by *City* forces from the *City's* main to the *property* line unless otherwise permitted by the Director of Public Utilities; provided, no such permission *shall* be granted for work within the corporate limits in public *street* rights-of-way except by licensed utility contractors. All water and sewer connections in new developments *shall* be the responsibility of the developer and at his expense in accordance with *City* standards and specifications.
(*Code 1959* , §23-25; Ord. No. 1985-543, §3, 4-16-85; Ord. No. 1995-760-TC-122, §14, TC-20C-95, 11-21-95)

Cross references: Street maintenance, Part 7, Ch. 2; technical provisions concerning plumbing requirement on making utility connections, §10-6071et seq.

State law references: Permits required for work in state roads,*G.S.* 136-93; license for public utility contractors, *G.S.* 87-10.

Sec. 8-2005. METER REQUIREMENTS; PLACEMENT OF METERS.

A separate water meter and water and/or sewer connection is required for each lot at the time of connection with water and/or sewer service. All such meters*shall* be placed in the *street* right-of-way or in a two-foot easement adjacent to the *street* right-of-way at such locations as the Director of Public Utilities *shall* determine, provided that nothing herein *shall* authorize the placement of a water meter on the opposite side of the *street* right-of-way from the building being served. All fire hydrants maintained by the *City shall* be installed in the *street* right-of-way or in a two-foot easement adjacent to the *street* right-of-way. All meters *shall* conform to the standards and material specifications of the *City* . All water meters *shall* be installed by *City* forces in accordance to a fee schedule on file with the Department of Inspections.

City Water Meter Installation Fee Schedule

TABLE INSET:

Meter Size	Initial Fee	* Not Ready Fee
5/8-inch	$ 171.00	$ 50.00
3/4-inch	171.00	50.00
1-inch	216.00	50.00
1 1/2-inch	537.00	50.00
2-inch	639.00	50.00

3-inch	1,436.00	50.00
4-inch	1,895.00	50.00
6-inch	3,546.00	50.00
6-inch w/fire protection	11,087.00	50.00
8-inch	4,991.00	50.00
8-inch w/fire protection	15,146.00	50.00
10-inch and greater must be individually quoted by *City*		50.00
10-inch w/fire protection	17,779.00	50.00

* AMR (Automated Meter Reading) Fee*shall* be collected by *City* on all new meter installations.

* Not ready fee*shall* be collected by the *City* only if the *City* has attempted to initially install the water meter and determined that the *water service stub* was either not installed to the *property* or the *water service stub* not installed in accordance with *City* standards. The * Not ready fee must then be paid to the *City* prior to the *City* proceeding to install the meter again after the initial failed attempt and prior to any water being provided to the *property.*

(*Code 1959* , §23-27.1(a); Ord. No. 1981-560, §1, 1-6-81; Ord. No. 1985-543, §5, 4-16-85; Ord. No. 1986-746, §2, 3-18-86; Ord. No. 1986-775, §5, 4-15-86; Ord. No. 1999-558, §1, 5-18-99; Ord. No. 2000-805, §1, 6-6-00; Ord. No. 2002-200, §1, 5-7-02; Ord. No. 2003-439, §1, 5-6-03; Ord. No. 2004-623, §1, 5-4-04; Ord. No. 2005-825, §1, 5-17-05; Ord. No. 2006-15, §1, 5-2-06)

Sec. 8-2006. ADDITIONAL METERS; COMMON CONNECTIONS; ALLOWED USES.

Additional meter locations, water connections and/or sewer connections, in compliance with the*City* zoning and subdivision ordinances, if located within the jurisdiction of the *City* , or *County* zoning and subdivision ordinances, if located within the jurisdiction of the *County* , *may* be permitted. A common water connection, sewer connection and/or meter will be permitted to serve more than one (1) building of the *following* categories as defined in §10-2002 of the Code.

(a) Group housing developments;
(b) Townhouse developments;
(c) Unit-ownership (condominium developments);
(d) Cluster unit developments;
(e) Hotels, motels;
(f) Hospitals;
(g) Warehouses, industrial buildings (under one (1) ownership and engaged in one (1) business only);
(h) Schools;
(i) Manufactured home parks;
(j) Shopping centers;
(k) Churches;
(l) Homes for the ill or aged, including rest and convalescent homes.

(*Code 1959* , §23-27.1(b); Ord. No. 1985-543, §6, 4-16-85; Ord. No. 2000-734-TC-189, TC-2-00, §1, 2-15-00)

Cross references: Zoning, Part 10, Ch. 2; subdivisions, Part 10, Ch. 3.

Sec. 8-2007. COMMON METERS AND CONNECTIONS; REQUIREMENTS.

A common water connection, sewer connection and/or water meter, including a private water or sewer distribution system will be permitted to serve the above categories of buildings meeting the*following* minimum requirements:

(a) The building or buildings to be served are in compliance with the*City's* zoning and subdivision ordinances, if located within the jurisdiction of the *City* , or with the *County* zoning and subdivision ordinances, if located within the jurisdiction of the *County* .

(b) The building permit and plat shows a single*owner* and indicates that the complex of buildings will be constructed on a single lot.

(c) If one (1) common meter is used, such meter*shall* be located within the *street* right-of-way or in a two-foot easement adjacent to the *street* right-of-way at such locations approved by the Director of Public Utilities.

(d) If a common water connection and/or sewer connection and more than one (1) meter is used, the meters*may* be located on private *property* . In such cases the applicant *shall* be required to submit to the Department of Public Utilities a site plan showing the proposed water and sewer construction. The plans *shall* be prepared by a registered professional engineer who *shall* also provide periodic inspection of the work. When the work is complete, he *shall* furnish the *owner* and the *City* with a certification that the work has been done properly and has been approved by him. The plan *shall* be approved by the Department of Public Utilities to include size of water and sewer line, materials to be *used for* construction, valve locations, hydrant locations, manhole locations, meter locations and any other appurtenances that *may* be necessary as determined by the Director of Public Utilities. All construction from the *property* line to the water meter *shall* be in accordance with the *City* standards and specifications. Construction beyond the water meter *may* be with materials permitted in the City of Raleigh Plumbing Code. All sewer construction within easements *shall* be in accordance with *City* standards and specifications; all other sewer construction *shall* be in accordance with the City of Raleigh Plumbing Code. All construction *shall* be performed by either a licensed master plumber or a licensed utility contractor. The Director of Public Utilities or his designated representatives *may* enter the premises of any water or sewer user between the hours of 8:00 a.m. and 6:00 p.m. to examine the pipes and fixtures, the quantity of water being used and the manner of its use, to take meter readings and to make meter repairs.

(e) Should a building within such a multiple constructed area be conveyed to a new *owner* , the *City* *shall* require a separate water and sewer connection from that building to the public main. Each development in any of the above categories *shall* have a fire protection plan approved by the Public Utilities Department and the Fire Department prior to the issuance of a building permit and prior to the installation of water connections or the extension of existing water installations.

(f) The fire protection plans*shall* be submitted in triplicate to the Director of Public Utilities for approval. The *City* reserves the right to require proper size water lines, proper hydrants spacing and location, and the installation of metering devices where it *shall* be determined that water is being *used for* other than fire protection purposes exclusively. All water facilities constructed on private *property* for the purpose of fire fighting *shall* be in accordance with *City* standards and specifications. Construction beyond the water meter *may* be with material permitted in the City of Raleigh Plumbing Code.

(*Code 1959* , §23-17.1(c); Ord. No. 1985-543, §§7--10, 4-16-85)

Cross references: Water and sewer rates and connection fees, §§2-3001--2-3004; plumbing code, §10-6071et seq.

Sec. 8-2008. WELLS; PERMIT REQUIRED.

No wells*shall* be installed within the *City* without first securing a permit for such installation from the *City's* Department of Inspections.

Sec. 8-2009. NEW OR REPLACEMENT WATER AND SEWER SYSTEMS TO BE FLOOD-RESISTANT.

(a) Any and all new or replacement water supply systems and sanitary sewage systems within floodprone areas*shall* be designed and constructed to minimize and eliminate infiltration of floodwaters into such systems and to minimize and eliminate discharges from such systems into floodwaters.

(b) Any and all on-site new waste disposal systems within floodprone areas*shall* be located, designed and constructed so as to avoid impairment of them or contamination from them during flooding.

(c) Any venting of any sanitary sewer system and nonwatertight manholes*shall* be constructed to a height at least one (1) foot above the regulatory flood protection elevation provided nothing herein *shall* prevent the construction of watertight manholes below the regulatory flood protection elevation.

(*Code 1959* , §23-35; Ord. No. 1978-872-TC-88, §§16--19, 8-15-78)

Sec. 8-2010. EMERGENCY DISCONTINUATION OF SERVICE AND REPAIRS.

The responsibility for maintaining and repairing*sewer and water stubs shall* be in accord with *City* Code, §10-6082. The repair of all pipes and fixtures on private *property* *shall* be the responsibility of the *property* owner or consumer. When a minor failure occurs in a pipe or fixture on private *property* , and such failure is not corrected within twelve (12) hours of notification by the Public Utilities Director to the *owner* or *person* in charge, the *City* , for the purpose of conserving water and protecting the public, *may* discontinue service until the failure is corrected or enter the *property* and make the necessary repairs. When a major failure occurs in a line or fixture and creates the possibility of an immediate danger to the public health or safety, the *City* *may* make the necessary repairs. The work done by the *City* *shall* be limited to the necessary line repair and such backfilling as needed to protect the pipe. The cost of any repairs performed by the *City* *shall* be charged to the *property* owner and included in his next regular periodic water bill. Failure to pay the repair bill *shall* be considered as a regular water bill delinquency and service *may* be discontinued until such amount is paid.

(Ord. No. 1985-543, §10, 4-16-85)

Sec. 8-2011. PAYMENT OF FEES AND CHARGES.

Any*person* using the *utility system shall* pay all required permits, fees, and charges as required by laws, ordinances, and resolutions.

Prior to a customer receiving potable water and/or sanitary sewer service from the*City's* utility system, an application for service must be received by the *City's* Utility Billing Office. For new customer accounts, this service application is received in the form of a utility connection permit. For existing utility system service accounts, customers must contact the Utility Billing Office in *person* or by telephone to close or initiate service in the new customer's name. In order to initiate service on a new account or to initiate service on an existing account in the name of a new customer, an initiation fee must be billed to the customer and collected by the *City* in the customer's first utility bill mailed to the customer.

Failure of the customer to pay the full amount of the initiation fee will be treated in the same manner as the utility bill being past due.
A utility service initiation fee of fifty dollars ($50.00)*shall* be billed by the *City* Utility Billing Office as described in this section.
The*City's* utility system customers are required to pay for their utility service by a date specified on their utility system bill. Failure to pay their bill by this date will result in the addition of five dollars ($5.00) as a delinquency fee to the amount past due on their utility bill. The delinquency fee and the past due utility bill amount must be paid in full to the *City,* in order for the customer's utility account to be considered current. Failure of the customer to pay the full amount of the delinquency fee will be treated in the same manner as the utility bill being past due for the customer's next utility bill and grounds for utility service interruption by the *City,* if not paid in full in the subsequent utility bill.
(Ord. No. 1985-543, §11, 4-16-85; Ord. No. 2003-461, §1, 6-17-03)

Sec. 8-2012. ACCESS TO AND OBSTRUCTIONS OF MANHOLES AND EASEMENTS.

(a) No*person shall* open, enter into, place, or allow anything to be placed in a manhole of the *City's* water or sanitary sewer system without *written* approval from the Director of Public Utilities or his designee.
(b) No*person shall* damage, obstruct, or cover a manhole of the *City's* water or sanitary sewer system.
(c) No*person shall* plant trees, shrubs, or other plants within a water or sewer easement without prior *written* approval from the Director of the Public Utilities Department.
(d) No*person shall* place any part of a structure or any permanent equipment within a water or sewer easement without prior *written* approval from the Director of the Public Utilities Department. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.
(e) Violation of this section is a misdemeanor and in addition*may* be punished under section 8-2014 of the *City* Code.
(Ord. No. 1985-543, §11, 4-16-85; Ord. No. 1999-658, §1, 10-19-99)

Sec. 8-2013. INJURY TO SYSTEMS; REMOVING, DAMAGING, BREAKING, ETC.

It *shall* be unlawful for any *person* to remove, damage, or interfere with any water or sewer pipes belonging to the *City* , or to remove, break, or injure any portion of any manhole, flush tank, or any part of the water or sewerage of the *utility system* . Provided, it *shall* further be unlawful for any *person* to cut off or discontinue water service to any part of the *City* system without the *written* consent of the Director of Public Utilities.
(Ord. No. 1983-154, §1, 7-19-83; Ord. No. 1986-775, §2, 4-15-86)
Cross reference: Destruction of or damage to utility fixtures, §13-1001.
Editor's note: Ord. No. 1986-775, §3, adopted Apr. 15, 1986, repealed former §8-2013, concerning penalties, as derived from Ord. No. 1986-746, §3, adopted Mar. 18, 1986.

Sec. 8-2014. ENFORCEMENT PROCEDURE.

Any*person* who violates any of the provisions of this article or any regulation, standard, rule or order duly adopted in furtherance of this article *shall* be subject to a civil penalty of five hundred dollars ($500.00) per day of continuing noncompliance. No penalty *shall* be assessed until the *person* alleged to be in violation is given notice to comply by registered mail, certified mail return receipt requested, or personal service. The notice *shall* set forth in detail a description of the violation for which the penalty has been invoked. For continuous

violations, a second notice *shall* be sent ten (10) calendar days after the original notice. If payment is not received or equitable settlement reached after twenty (20) days after demand for payment is first made, the matter *shall* be referred to the City Attorney for institution of a civil action in the name of the *City* in the appropriate division of the general court of justice of Wake County for recovery of the penalty.
(Ord. No. 1986-775, §4, 4-15-86)

Sec. 8-2015. DUTY TO REPORT DAMAGE.

Every*person* who observes damage to a manhole or to any other part of the sanitary sewer system has a duty to report the damage to the Public Utilities Department.
(Ord. No. 1999-658, §2, 10-19-99)
Secs. 8-2016 -- 8-2030. RESERVED.

ARTICLE B. WATER AND SEWER EXTENSION POLICIES

DIVISION 1. PUBLIC EXTENSIONS OF THE UTILITY SYSTEM*

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*Editor's note: The title of Div. 1 was changed from "General Provisions" by §12 of Ord. No. 1985-543, adopted April 16, 1985.

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Sec. 8-2031. ASSESSMENT FOR EXTENSIONS.

Except for lateral water and sewer main extensions and replacements which are funded exclusively from community development funds and are located within redevelopment areas as delineated pursuant to Article 22 of Chapter 160A of the General Statutes of North Carolina, as amended, lateral water and sewer main extensions and replacements will be made by assessment of the cost thereof against*property* owners to be benefitted thereby in conformity with Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, and, if applicable, Raleigh City Charter, as amended, or both. The engineering department of the *City* *shall* determine which method of assessment authorized by *G.S.* 160A-218, as amended, would be most equitable to be used in an assessment roll, but any interested *property* owner *may* appeal from such determination to the *Council* . The *City* will bear the expense of resurfacing of the pavement when it is necessary.
(*Code 1959* , §23-9(1); Ord. No. 1977-586, §1, 7-19-77; Ord. No. 1983-200, §1, 10-4-83; Ord. No. 1984-338, §4, 4-17-84; Ord. No. 1985-543, §14, 4-16-85)
Charter reference: Authority about assessments, §§2.14(71), 6.28.

Sec. 8-2032. ASSESSMENT; CITY TO SHARE COST OF OVERSIZED LINES.

In the event it is necessary or desirable in the opinion of the Director of Public Utilities to lay a water main larger than a six-inch main, or sewer main larger than an eight-inch main, the*City* will bear the cost of the difference between the size of main required and a six-inch water main or eight-inch sewer main.
(*Code 1959* , §23-9(1); Ord. No. 1985-543, §15, 4-16-85)
Editor's note: Regulations concerning reimbursements for oversized*utility lines* are found in Standard Operating Procedure No. 700-6.

Sec. 8-2033. ASSESSMENTS; PROVISIONS FOR REPLACEMENT SERVICE.

When water or sewer mains exist but are inadequate (less than eight-inch sewer or less than six-inch water) for the system and are being replaced,*property* should be assessed for the difference in cost between the new cost of inadequate mains and for the size installed not to exceed the cost of six-inch water mains or eight-inch sewer mains.
(*Code 1959* , §23-9(1); Ord. No. 1985-543, §15, 4-16-85)

Sec. 8-2034. ASSESSMENTS; CORNER LOT PROVISIONS.

When the basis for assessment is the front footage method, lots at an intersection of*streets* *shall* be assessed as follows:
(a) If water or sewer service mains or both are installed simultaneously on both*streets* on which the lot abuts, assessment of the cost of the installations *shall* be based upon the entire frontage on one *street* (short side) plus the frontage on the other *street* (long side) in excess of one hundred fifty (150) feet.
(b) If the lot is already served by adequate (eight-inch sewer, six-inch water) or larger size water or sewer mains in a *street* on which the lot abuts and a water or sewer main providing a duplicating service is installed in the other abutting *street* , the cost of the new installation *shall* be assessed against the lot to the extent that the lot abutting the *street* in which the new main is installed exceeds one hundred fifty (150) feet.
(c) If water or sewer service is installed in a*street* abutting a corner lot, and the lot is not served by adequate (eight-inch sewer or six-inch water) or larger size water or sewer mains in the other abutting *street* , and the method of assessment used is the *street* frontage method, the cost of the installation *shall* be assessed against the side of the lot abutting the installation. A credit will be provided for the distance, if any, that the side of the lot abutting the *street* in which no improvement is made is less than one hundred fifty (150) feet.
(d) If the lot is already served by adequate (eight-inch sewer or six-inch water) or larger size water or sewer mains in two (2) or more*streets* on which the lot abuts and a water or sewer main providing a duplicating service is installed in other abutting *streets* , the cost of the new installation *shall* not be assessed against the lot if that lot cannot be subdivided in any manner which would benefit from the installation.
(e) A*property* parcel which is residentially zoned, developed with an existing single-family *residence* at the time of project direction by City Council, and is adequately served by an existing six-inch water main and/or an eight-inch sewer main of the *City* of Raleigh is hereby exempted from any duplicating water and/or sewer assessment by the *City* of Raleigh.
(*Code 1959* , §23-9(2); Ord. No. 1980-328, 3-4-80; Ord. No. 1985-543, §16, 4-16-85; Ord. No. 1999-683, §1, 11-16-99)

Sec. 8-2035. ASSESSMENTS; PROVISIONS FOR DUPLICATING SERVICE.

(a) When the basis of assessment is the front footage method and a duplicating water or sewer service is extended to a lot not at the intersection of two (2)*streets* but with adequate (eight-inch sewer or six-inch water) existing service, assessment of the cost of the duplicating service *shall* be limited to the frontage of the lot abutting the right-of-way or easement in which the duplicating service is installed in excess of one hundred fifty (150) feet. The exemption *shall* apply to lots having an existing adequate (eight-inch sewer or six-inch water) or greater size water or sewer service main or the right-of-way or easement containing an adequate size water or sewer service main crossing or touching the *property* subject to assessment. The exemption contained herein *shall* not relieve a lot from an additional assessment for the extension of an existing sewer line if the existing sewer line extends across only a part of the frontage of the lot and assessment has theretofore been made against only that part of the lot abutting on the existing line.

(b) Where one (1) or more water or sewer lines traverse a lot or tract of land and the method of assessment used is the abutting footage on the improvement, the abutting footage for each lot, tract or parcel assessed according to the assessment roll*shall* not exceed the straight line distance between the beginning point and the ending point of the line or lines. Provided upon the installation of a duplication service to a traversed lot or tract of land, an exemption of one hundred fifty (150) feet *shall* be allowed for the duplicating service pursuant to subsection (a) above.
(*Code 1959* , §23-9(3); Ord. No. 1985-543, §16, 4-16-85)

Sec. 8-2036. ADDITIONAL CONDITIONS ON ASSESSMENTS.

(a) The term "lot" as used in this section is defined as a parcel of land owned by one (1)*owner* without regard to whether or not shown on any subdivision map as separate lots and without regard to how or when acquired, except that when as assessment is made on a per lot basis in a subdivision, the term "lot" *shall* apply to each separate subdivided lot or a combination of subdivided lots where a single building unit is constructed on a portion of all the lots. Provided, however, that when a lot in a subdivision is already served by a water or sewer line and the lots in the subdivision are assessed on a per lot basis, the lot so served *shall* not be assessed a greater amount than the amount which would be assessed against the lot on a linear foot basis after giving credit for the exemptions contained in this section.
(b) The exemptions provided for in §§8-2034 and 8-2035*shall* apply only if the cost of the existing water and sewer service main has been assessed against the *property* for which a duplicating service is provided, or if the existing water or sewer main, including *major mains* , was installed by a subdivider of *property* without cost to the *City* , or if the cost of the existing water or sewer service main has been paid from community development funds and such mains are located within redevelopment areas as delineated pursuant to Article 22 of Chapter 160A of the General Statutes of North Carolina, as amended.
(*Code 1959* , §23-9(4), (5); Ord. No. 1977-586, 7-19-77; Ord. No. 1985-543, §16, 4-16-85; Ord. No. 1989-417, §1, 9-5-89; Ord. No. 1992-75, §1, 10-20-92)

Sec. 8-2037. CHARGE IN LIEU OF ASSESSMENT ON PROPERTY NOT ASSESSED.

(a) If*property* to be served by a water or sewer line is to be connected to a line constructed on an assessment basis pursuant to the provisions of §§8-2031 through 8-2036 of this Code and no assessment was made against the *property* for its proportionate part of the line because ownership of the *property* would not permit the collection of an assessment, then either at the time of connection as provided in §10-6081(e) or presentation of a subdivision for recordation, whichever occurs first, there *shall* be collected, in addition to all other charges provided herein, or by other law, or ordinance, or resolution, the amount which would have been assessed against the *property* to be served by the line had such *property* been assessable at the time the line was constructed.
(b) In those cases where the*City* has paid the cost of the installation of a water and/or sewer line outside the *City* , either at the time of connection as provided in §10-6081(e) or presentation of a subdivision for recordation, whichever occurs first, there *shall* be in addition to all other fees, an amount charged at the time of connection equal to the amount that would have been assessed, if the *property* had been assessed but was not, due to the fact that *property* was located outside the *City* limits at the time the line was installed.
(*Code 1959* , §17-10(c); Res. No. 176, 3-20-61; Res. No. 1961-223, §3; Ord. No. 1984-336, §§5, 6, 4-17-84; Ord. No. 1985-543, §17, 4-16-85)
Editor's note: The second paragraph of §8-2037 is also set out as §10-6081(c) of this Code for ease of reference.

Sec. 8-2038. DEPTH AT WHICH SEWER LINES TO BE LAID; CITY INSTALLATIONS.

The*City* *shall* not be obligated to install facilities to provide gravity sewer service to any floor level of any existing or proposed structure at an elevation lower than ten (10) feet below the crown of the *street* directly in front of the structure. Notwithstanding this provision, *property owners* desiring that the line be placed at a depth greater than necessary to serve a floor level ten (10) feet below the crown of the *street* *shall* be required to pay the difference in cost of laying such line at that depth and the depth at which the *property owner* desires the line to be laid. Such cost *shall* be estimated by the *City* based on the difference in cost for installing a line at twelve (12) feet of depth and the depth at which the *property owner* desires the line to be laid. Payment of the estimated cost *shall* be made within thirty (30) days of the date of the demand for payment or the line will be laid at a depth as if the *property owner* had not requested that the line be installed at a greater depth. Notwithstanding the payment of the estimated cost of the greater depth of lines, the *property owner* making the payment *shall* still be assessed for his proportionate cost of the installation of the line consistent with the normal assessment policy.
(Res. No. 1963-948, §1, 5-6-63; Ord. No. 1983-63, §1, 2-1-83; Ord. No. 1985-543, §4, 4-16-85)

Sec. 8-2039. FEES FOR THE INSTALLATION OF WATER AND SEWER SERVICES BY CITY FORCES AND CONTRACTORS WORKING FOR THE CITY.

TABLE INSET:

Size and Type of Service	Lump Sum Fee
3/4-inch water.....	$2,151.00
1-inch water.....	2,366.00
3/4-inch split water (new application).....	430.00
3/4-inch split water (existing application).....	650.00
1-inch split water (new application).....	732.00
4-inch sewer service.....	2,690.00

These fees apply to services installed by*City* forces or contractors working for the *City* . Fees for water services larger than one (1) inch and sewer services larger than four (4) inches *may* be installed by a private licensed utility contractor.
Tap fees for*owner* -occupied residential structures will be financed by the *City* for a term of five (5) *years* at eight (8) per cent interest at the homeowner's option; provided that, in those cases in which a *property owner* owns only one (1) *property* in the *City* and that *property* is a residential structure, that *property owner may* finance those tap fees in accordance with the provision of this section.
Water and sewer tap fees relating to public extension projects, initiated after June 30, 1996, are subject to a one-year freeze*following* service availability as determined by the City Manager or his duly authorized representative. This freeze *shall* apply only to *owners* of developed *properties* within the project area upon which a tap was installed as part of the public extension project. During the one-year freeze period, the eligible *property owners* *may* connect to the *City* system(s) and pay those fees which were in effect on the date the City Council directed construction of the project. All other *property owners* in the project

area *shall* pay the prevailing tap fee(s) in effect on the date service connection is requested.
(Ord. No. 1991-894, §§1--3, 12-3-91; Ord. No. 1992-81, §1, 11-4-92; Ord. No. 1996-873, §1, 5-7-96; Ord. No. 1997-55, §1, 2-18-97; Ord. No. 1997-164, 8-5-97; Ord. No. 1998-336, §1, 6-2-98; Ord. No. 1999-557, §1, 5-4-99; Ord. No. 2000-83, §1, 7-5-00; Ord. No. 2001-993, §1, 5-1-01; Ord. No. 2002-198, §1, 5-7-02; Ord. No. 2003-438, §1, 5-6-03; Ord. No. 2004-622, §1, 5-4-04; Ord. No. 2004-714, §§1, 2, 9-21-04)
Editor's note: For the inclusion of Ord. No. 1991-894 as §8-2039, see the editor's note to §10-6081. Former §8-2039 is now §8-2075.

Sec 8-2040. INSPECTION FEES FOR SEWER MAIN EXTENSIONS AND SEWER SERVICE STUBS INSTALLED BY PRIVATE CONTRACTORS.

Prior to being placed into service, all sewer main extensions and sewer service connections to the*City's* sanitary sewer system installed by a private contractor *shall* be inspected and determined to have been properly installed by inspectors from the *City's* Public Works Department and the *City's* Public Utilities Department. A sewer main extension inspection fee of three hundred dollars ($300.00) shall be collected by the *City* Public Utilities Department for closed circuit television (CCTV) inspection of each sewer main extension project at the time of permit issuance that is two thousand (2,000) lineal feet or less in length. Sewer main extension projects greater than two thousand (2,000) lineal feet in length shall pay an additional fee of eighteen cents ($0.18) per foot for each foot greater than two thousand (2,000) lineal feet for the inspection fee. Sewer main extension projects which are determined by the City during their initial CCTV inspection to not be ready for inspection shall be charged a re-inspection fee equal to the initial inspection fee previously described, for each attempted re-inspection.
A sewer service connection inspection fee of fifty dollars ($50.00) shall be collected for each*sewer service stub* at the time of utility connection permit issuance by the *City* Inspections Department.
(Ord. No. 1998-360, §1, 6-11-98; Ord. No. 2002-197, §1, 5-7-02; Ord. No. 2003-440, §1, 5-6-03; Ord. No. 2004-624, §1, 5-4-04; Ord. No. 2005-826, §1, 5-17-05; Ord. No. 2006-16, §1, 5-2-06)
Editor's note: Prior to its re-enactment, §8-2040 was reserved, as its provisions had been moved to §8-2063.

Sec. 8-2041. INSPECTION FEE FOR SANITARY SEWER PUMP STATIONS INSTALLED BY PRIVATE CONTRACTORS.

Prior to being placed into service, all sanitary sewer pump station connections to the*City* 's sanitary sewer system installed by a private contractor *shall* be inspected and determined to have been properly installed by inspectors from the *City* 's Central Engineering Department and the *City* 's Public Utilities Department. A sanitary sewer pump station construction inspection fee of one thousand four hundred dollars ($1,400.00) shall be collected by the *City* Public Utilities Department for inspection of each sanitary sewer pump station at the time of construction permit issuance.
(Ord. No. 2005-827, §1, 5-17-05)
Editor's note: Prior to its re-enactment, §8-2041 was reserved, as its provisions had been moved to §8-2076.
Secs. 8-2042 -- 8-2045. RESERVED.
Editor's note: Section 8-2042 is now §8-2077. §8-2043 (deriving from a resolution of Feb. 4, 1974) was repealed by §22 of Ord. No. 1985-543, becoming part of §8-2063. §23 of Ord. No. 1985-543 repealed §§8-2044 and 8-2045, concerning sewer extensions to serve

annexed areas where intervening*properties* are traversed, derived from *Code 1959* , §23-9.1, and concerning procedure for connections derived from the *following* resolutions: 1961-223, §4; 404 of June 1, 1964; 976 of Dec. 21, 1970; 659 of Nov. 6, 1972; and 773 of March 2, 1973.
Secs. 8-2046 -- 8-2060. RESERVED.

DIVISION 2. PRIVATE EXTENSIONS OF UTILITY SYSTEM*

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*Editor's note: The title of Div. 2 was changed from "Connections to Privately Installed Utility Lines Outside the Corporate Limits" by §24 of Ord. No. 1985-543. §25 of Ord. No. 1985-543 repealed and reenacted §§8-2061--8-2071. The repealed sections derived from*Code 1959* , §§23-12--23-22, and from Ord. No. 1979-161-TC-105, adopted Aug. 7, 1979; Ord. No. 1984-338, adopted April 17, 1984; Ord. No. 1984-343-TC-215, adopted May 1, 1984; Ord. No. 1984-470, adopted Dec. 18, 1984; 1985-477 and 478, both adopted Jan. 15, 1985.

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Sec. 8-2061. APPLICATION.

Any*person* owning or proposing to construct any private utility line or system inside or outside the corporate limits of the *City* which it is desired to have connected with the public *utility lines and systems* of the *City* *shall* make *written* application for permission to make such connections, upon forms furnished by the Director of Public Utilities. Applications will be received and acted upon in accordance with the provisions of this article. The application must contain a preliminary utility plan which *shall* be prepared by a professional engineer registered to practice in the State of North Carolina. The application must also be accompanied by a map made by a professional engineer or registered land surveyor authorized to practice in *the State* , which map *shall* show accurately the *property* to be served with water and/or sewer service, and, if within any real estate development or subdivision, the map *shall* show the *property* lines and subdivision of lots and the layout of *streets* therein. When the private *utility lines or systems* are to be laid and constructed within any subdivision, such subdivision and the map thereof showing the *property* lines and subdivision of lots and the layout of *streets* must have been duly approved in accordance with Chapter 3, Part 10 of this Code before the approval of any application for permission to make connections with the *utility system* of the *City* . Fees of two hundred dollars ($200.00) for main extensions and three hundred dollars ($300.00) for pump stations permits will be paid by the developer at the time engineering plans are submitted for review.
(Ord. No. 1985-543, §25, 4-16-85; Ord. No. 1986-778, §1, 5-6-86; Ord. No. 1991-781, §1, 5-21-91; Ord. No. 2002-196, §1, 5-7-02)
State law reference: Utility construction plans and specifications,*G.S.* 89C-19.

Sec. 8-2062. SIZES AND LOCATIONS OF PIPES, ETC.

No application will be considered by the *Council* under the provisions of this article until the Director of Public Utilities *shall* have reviewed the sizes, location, character and quality of all pipes, stubs, valves, valve boxes, hydrants and other fixtures, equipment and apparatus to be laid and constructed and to be connected with the *utility systems* of the *City* . The Director of Public Utilities *shall* have authority to recommend the approval or disapproval of such application and to indicate reasonable conditions and requirements for approval, and to recommend any measures that *may* be requisite or necessary to protect the interests of

the *City* or to prevent improper connections being made with the *utility system* of the *City* .

(Ord. No. 1985-543, §25, 4-16-85)

Editor's note: Copies of the "Public Utilities Handbook" which includes*City* standards and procedures are on file in the Public Utilities Department.

Sec. 8-2063. CITY COUNCIL APPROVAL OF OUTSIDE EXTENSIONS.

All utility extensions outside the corporate limits*shall* be subject to the approval of the City Council. After action has been taken by the Director of Public Utilities (and by the Planning Commission, when required) and recommendations have been made to the *Council* , the *Council* *shall* consider and act upon the question of approving or disapproving the application, and the action of the *Council* *shall* be final; provided, however, the *Council* *may* indicate to the *owners* or promoters of any such addition, extension, subdivision, or development the requirements which must be met as a prerequisite for approving the application.

(a) ***Street*** **standards.**

In prescribing such requirements and prerequisites for approval of the application for utility connections, the*Council* shall, in approving the subdivision or development, determine the width of *streets* , the adequacy of drainage, and flood control measures and facilities, the type of paving, the size and type of pipes and other equipment, the location of *streets* , particularly with respect to their coordination with the *street* plan of the *City* , and such other matters with respect to the development or subdivision as the *Council* in its discretion *may* deem proper.

(b) Water and sewer lines required.

No private water line, lines or system within any greater than two-acre development or subdivision outside the corporate limits*shall* be approved for connection with the water system of the *City* , nor will the *City* accept any dedication of the same nor will the *City* agree to furnish water service to consumers within any such development or subdivision, unless, at the same time, there is connected with the *City* sewerage system and dedicated to the *City* sewer a sewerage system laid and constructed to *City* standards sufficient to make available adequate sewerage services for each of the lots within such development or subdivision. No private sewer line, lines, or system within any greater than two-acre development or subdivision outside the corporate limits *shall* be approved for connection with the sewer system of the *City* , nor will the *City* accept any dedication of the same, nor will the *City* agree to furnish sewer service to consumers within any such development or subdivision, unless, at the same time, there is connected with the *City* water system and dedicated to the *City* a water system laid and constructed to *City* standards sufficient to make available adequate water services for each of the lots within such development or subdivision. These restrictions *shall* also apply to any *properties* separated by conveyance after April 17, 1984, except if the *property* is separated from a parcel which on April 17, 1984 is two (2) acres or less in size. On lots greater than two (2) acres that have existing buildings that are having well and septic tank problems, [these] would be able to use one (1) utility without the other if both utilities are not available to the site.

In such case where both utilities are not available to a particular tract of land and the*property* owner wishes to connect to the one that is available, the *property* owner can prepay the appropriate assessment rate for the *property* frontage and then be allowed to connect to the particular utility that is available. The prepayment of the assessment for the unavailable utility does not guarantee or commit the *City* to a definite time table for doing the extension of the missing main.

Cross reference: *Property owners* located outside *City* limits which connect to one (1) or more *City* utilities must submit a voluntary petition annexation, Resolution No. 1993-208.

(c) Adequate flood control facilities required.

The*City* hereby states a policy of not extending water and/or sewer service facilities, or any other facilities under its control, into areas of Wake County outside the *City's* Chapter 160A, Article 19 planning jurisdiction, except in unusual circumstances, unless and until areas into which such services are extended and the areas within the Chapter 160A, Article 19 planning jurisdiction of the *City* are adequately protected through the installation of flood control and other such devices, and unless and until adequate facilities are available for the supply of water and the treatment of sewage.

Cross reference: Floodprone area regulations, Part 10, Ch. 4.

(d) Community systems.

Developments located outside the corporate limits but within the utilities planning area as provided in the comprehensive plan that install or propose to install a community water system, sanitary sewer system, or both must install said systems in accordance with the*City* design, materials, and construction standards and methods. Such design, materials, and construction standards and methods are subject to the same regulations as if the community water and community sewer system were connected to the system of Raleigh. If the conditions of *G.S.* 160A-374 are met by the *City* , full dedication of a community water system, including all wells, pumps, and *utility lines* , is required.

(Ord. No. 1985-577-TC-237, §3, 6-4-85; Ord. No. 1986-892, §1, 11-18-86; Ord. No. 1991-768, §1, 4-16-91; Ord. No. 1995-760-TC-122, §14, TC-20C-95, 11-21-95)

Cross reference: Resolution No. 1993-208 requires that connections to City utilities for any property outside corporate limits must be accompanied with a petition for annexation.

Sec. 8-2064. DESIGN APPROVAL.

After approval by the*Council* , tracings of the utility extension including pipes, stubs, valves, valve boxes, hydrants, and other fixtures, equipment and apparatus, *shall* be submitted to the utilities department. The tracings *shall* be accompanied by any necessary state permit applications.

(Ord. No. 1985-543, §25, 4-16-85)

State law references: North Carolina Drinking Water Act,*G.S.* 130A-216 et seq. ; control of sources of water pollution; permits required, *G.S.* 143-215.1.

Sec. 8-2065. CONSTRUCTION APPROVAL.

After issuing of any necessary state permits, the tracings*shall* be resubmitted to the utilities department together with the required state permits. The tracings will then be signed and approved for construction by the utilities director.

(Ord. No. 1985-543, §25, 4-16-85)

State law references: North Carolina Drinking Water Act,*G.S.* 130A-216 et seq. ; control of sources of water pollution; permits required, *G.S.* 143-215.1.

Sec. 8-2066. EASEMENT AND RIGHTS-OF-WAY, PROCURING.

In the event that the*utility lines* are to be constructed and laid in and along any public highway or the right-of-way thereof, or in and across lands not owned and possessed by the promoters or developers or in and across lands owned and possessed by the developers or promoters but not within the current phase of development, the promoters and developers without cost or expense to the *City* *shall* procure the necessary and proper *written* easement or right-of-way deeds from the proper officials and *agencies* having control of such public highways and from the *owners* of such lands granting the right and authority to construct, improve, install, remove, replace, maintain, inspect and repair and use such *utility lines* , together with all appurtenant facilities and equipment necessary and convenient

thereto, with appropriate rights of ingress and egress over private lands, when necessary, with the right to remove and keep removed therefrom all trees, shrubs, underbrush or parts thereof and other obstructions as necessary to maintain, repair, or protect the *utility system* . The *City* will join in the execution of such documents, when required, subject to approval of the legal instrument by the City Attorney.
(Ord. No. 1985-543, §25, 4-16-85)
Cross references: City Attorney, §1-1021et seq. ; technical provisions concerning plumbing requirements on making utility connections, §10-6071 et seq.
State law reference: Permits required for work in state roads,*G.S.* 136-93.

Sec. 8-2067. CONSTRUCTION WITHOUT COST TO CITY.

After receiving the necessary approvals and permits for the connection of any proposed privately owned utility line or system with the public*utility lines or systems* of the *City* , the applicant or applicants at their own proper cost and expense and without unnecessary delay *shall* furnish, construct and lay the *utility lines* as approved without cost or expense to the *City* and the *utility lines* , together with all appurtenant facilities and equipment, *shall* be laid and constructed in approved easements and rights-of-way according to the standards and specifications, and of the character, size, quality and durability, as prescribed by the *City* through and by its proper officials and employees, and *shall* be subject to the approval of the *City* through its proper *officers* or employees.
(Ord. No. 1985-543, §25, 4-16-85)
Editor's note: For the*City* policy in considering participation in costs of extending sewer service to *properties* within the corporate limits, refer to "Infill Policy--Sanitary Sewer" approved by the *City Council* on January 18, 1983.

Sec. 8-2068. DEDICATION OF SYSTEMS.

Before any *person* , firm or corporation *shall* connect in any manner any privately owned water or sewer line or lines or system with any water or sewer line or lines of the *City* , including water or sewer lines dedicated to the *City* , such *person* , firm or corporation *shall* , by proper *written* instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water, or sewer line, or lines or system to the *City* ; no such connection *shall* be made with the *City* water or sewer line or lines without the express approval of the *City* , nor *shall* such connection be effected except by the forces or employees of the *City* properly supervised, for which a charge *may* be made; and should any *person* , firm or corporation connect any privately owned water or sewer line or lines or system with any *City* water or sewer line or lines without first dedicating, giving, granting and conveying same to the *City* the act of connecting such water or sewer line or lines to the water or sewer line or lines of the *City* *shall* be deemed a dedication, gift, grant and conveyance of such water or sewer line or lines to the *City* .
(Ord. No. 1985-543, §25, 4-16-85)
Charter reference: Authority to require dedication, §2.14(65).

Sec. 8-2069. INSPECTION AND APPROVAL BEFORE CONNECTING.

Upon the completion of the construction and laying of the*utility lines* as authorized by this article for connection, and upon inspection and approval thereof by the *City* , the *dedicators shall* be permitted to connect such private utility lines with the *utility lines and systems* of the *City* upon the terms and conditions prescribed by this Code.
(Ord. No. 1985-543, §25, 4-16-85)

Cross references: City Engineer to inspect water and sewer construction work, §6-1002; Public Utilities Director to review utility installations, §8-2062.

Sec. 8-2070. MAP OF SYSTEMS.

The*dedicators shall* furnish the *City* an accurate map showing in detail the location and dimensions of all recorded easements, mains, pipe lines, laterals, stubs, valves, valve boxes, hydrants, and other fixtures, apparatus, and equipment forming a part of the *utility lines* constructed and dedicated pursuant to the Code, and showing the depth of all pipes and apparatus below the ground level, which map *shall* be subject to the approval of the Director of Public Utilities or other proper official of the *City* designated by the *Council* , and after such map is so approved there *shall* be no changes to the map made without the *written* consent of the Director of Public Utilities or other such officials of the *City* authorized to give such consent.
(Ord. No. 1985-543, §25, 4-16-85)

Sec. 8-2071. NONLIABILITY OF CITY; LIABILITY INSURANCE.

The*dedicators shall* have and assume all risk in the laying, installation, and construction of the *utility lines and system. Dedicators* of any portion of the *utility system* not already subject to a warranty required by this Code or *dedicators* installing pump stations and appurtenances *shall* give warranties against any material defect, equipment defect, malfunction, or failure during design conditions for a period of one (1) *year* from the date of acceptance of such installation. The cost of repair, replacement or both of the subject facilities during the warranty period *shall* be at the sole expense of the *dedicator* and without cost to the *City* . Any repair or replacement made during the warranty period by the *dedicator* , his agent, or his independent contractor *shall* also be warranted for a one-*year* period beginning from the date of acceptance of the repair or replacement.
(Ord. No. 1985-543, §25, 4-16-85; Ord. No. 1995-760-TC-122, §15, TC-20C-95, 11-21-95)
Cross reference: Construction guarantee of water and sewer lines, §10-3013(c)(2)e.

Sec. 8-2072. CONTROL BY CITY; FEES TO CITY.

All connections by consumers with the*utility lines* constructed and dedicated pursuant to this article and the Charter and all services through those lines and apparatus *shall* be in accordance with the laws, ordinances, rules and regulations of and applicable to the *City* and its Department of Public Utilities, as now in force or as *may* be enacted, adopted and amended from time to time. The *City* *shall* have complete supervision and control over the lines, taps, connections and all other parts of the *utility lines and system* so constructed for the purpose of making any and all necessary inspections, and turning the water on and off; and for other purposes. The *City* *shall* collect all rents, fees and charges from consumers connected with such *utility lines* , for its sole use and benefit without compensation to the *dedicators* .
(*Code 1959* , §23-23; Ord. No. 1984-343-TC-215, §2, 5-1-84)

Sec. 8-2073. DISCONTINUANCE OF SERVICE BY CITY.

The*City* *shall* have the right to cut off the water and to discontinue the furnishing of water and sewer services through the *utility lines* constructed and dedicated pursuant to this article, at any time, without notice, whenever it *shall* appear to the *City* in the sole and absolute discretion of the governing body of the *City* that to continue to furnish water or sewer services to the consumers along any of the lines would render the *City* unable to properly furnish an adequate water supply or adequate sewer service for the use of its consumers and citizens living within the corporate limits of the *City* , but in such event, the

City *shall* give the *dedicators* and the consumers an ample notice of such intention to discontinue the water supply or sewer service, or both, as the circumstances of the situation render practicable. The *City* specifically does not and *shall* not agree or undertake or be required to furnish to the *dedicators* or to any consumer along any of the *utility lines* constructed and dedicated pursuant to this article and the Charter any stated or particular pressure of water, and the *City* specifically does not and *shall* not agree to furnish fire protection, nor *shall* there be any such responsibility. The *City* *shall* not be liable to the *dedicators* or to any consumer or to any *person* for any failure to supply water or for the character or quality of the water supplied, or for any failure or inadequacy of sewer service.
(*Code 1959* , §23-24)
State law reference: Discontinuance of service for nonpayment,*G.S.* 160A-214.

Sec. 8-2074. SPECIAL CONDITIONS IN CITY'S TAKING OVER PRIVATE "COMMUNITY" UTILITY SYSTEMS.

The*following* policy *shall* serve as a condition under which the *City* *shall* eventually take responsibility for and accept private community type *utility system lines* into the public system:
(a) The developer*shall* install a *utility system* , both water and sewer, if possible, using *City* standards as a minimum level of design.
(b) This system*shall* be supplied by a central temporary source from wells, pumps and tanks and/or sewage disposal system.
(c) At such time as the area of the*City* expands to encompass the development and *City* utility supply main and/or outfall reaches the privately developed community-type system, an agreement *may* be entered into for the *City* to connect to, serve and operate the system.
(d) The agreement*shall* provide for the line system in the *streets* and drainage easements to become a part of the *City* system without cost.
(e) The depreciated value of the well, tank, pump and sewage disposal plant*shall* be determined. The *City* *shall* then pay the developer for this unrecoverable cost in putting in the system initially. If the line system is found to be substandard, the cost of bringing it up to standard *shall* be deducted from the amount to be paid the developer.
(f) All lots connecting to the*utility system shall* bear their share of the acre connection cost, which cost *may* be paid lump sum or distributed over a longer period as part of the water bill.
(Res. No. 1964-588, §1, 10-5-64)

Sec. 8-2075. EXTENSIONS TO NEW DEVELOPMENTS INSIDE CORPORATE LIMITS; DEVELOPER TO BE REIMBURSED FOR OVERSIZED LINES.

(a) If the water and sewer lines installed under this section are over six (6) inches in size for water or over eight (8) inches in size for sewer, but less than twelve (12) inches in size, and the lines or the area to be served are within the*City* limits, the *City* *shall* reimburse the applicant for certain costs and under certain conditions as stated herein.
(b) For developments inside the*City* limits or developments which it has been agreed *shall* be annexed to the *City* , the *City* , under the conditions listed in §8-2077 below, will reimburse the developer for costs incurred over and above those required to serve his/her immediate development. Such reimbursement *shall* be made in ten (10) equal annual installments with interest at four (4) per cent per annum beginning on January 1 *following* the time of final inspection and acceptance of the improvement by the Chief Engineer of the *City* , but the first installment payment *shall* not become payable until the second January 1, *following* final inspection and acceptance or contract execution, whichever is later; provided, however, that the *Council* *may* in its discretion authorize such reimbursement

to be paid in one (1) sum immediately or in installations over a period of less than ten (10) *years* . The *following* installations are subject to reimbursement:

(1) Differential unit costs between a six-inch water main and water mains over six (6) inches in diameter, but less than twelve (12) inches in diameter when required by the*City* and not necessary to serve the subject *property* .

Cross reference: Utility lines twelve (12) inches and over in diameter are eligible for reimbursement under the utility main policy, division 3 of this article.

(2) Differential unit costs between an eight-inch sewer main and sewer mains over eight (8) inches in diameter, but less than twelve (12) inches in diameter, when required by the*City* and not necessary to serve the subject *property* .

Cross reference: Utility lines twelve (12) inches and over in diameter are eligible for reimbursement under the utility main policy, division 3 of this article.

(3) Unit cost of off-site utility lines less than twelve (12) inches in diameter constructed by the developer to reach the outer boundary of the development, whether the lines are installed inside or outside the*City* limits.

(*Code 1959* , §20-31(b); Res. No. 1961-223, Res. No. 404, 6-1-64; Res. No. 976, 12-21-70; Res. No. 659, 11-6-72; Res. No. 773, 3-2-73; Ord. No. 1985-543, §18, 4-16-85; Ord. No. 1987-31-TC-296, §§25--27, 8-4-87; Ord. No. 1995-760-TC-122, §§14, 16--19, 21--23, TC-20C-95, 11-21-95)

Editor's note: The provisions of this section are also set forth in §10-3023 and are repeated here for the convenience of the reader.

Sec. 8-2076. EXTENSIONS TO NEW DEVELOPMENTS OUTSIDE THE CORPORATE LIMITS; DEVELOPER TO BE REIMBURSED FOR LINES CONSTRUCTED, WITHIN THE CITY LIMITS.

For developments outside the*City* limits, the *City* under the conditions listed below in §8-2077 will reimburse the developer for unit costs of utilities less than twelve (12) inches in diameter constructed within the *City* limits by the developer to reach his/her developments. Such reimbursement *shall* be made in ten (10) equal annual installments, without interest. The first payment *shall* become due and payable on the second January 1 *following* date of final inspection and acceptance of the improvement, and approval of the cost by the *Council* .

(*Code 1959* , §20-31(c); Ord. No. 1985-543, §20, 4-16-85; Ord. No. 1995-760-TC-122, §§14, 16, 19, 20, 24, TC-20C-95, 11-21-95)

Cross reference: Utility lines twelve (12) inches and over in diameter are eligible for reimbursement under the utility main policy, division 3 of this article.

Editor's note: The provisions of this section are also set forth in §10-3023 and are repeated here for the convenience of the reader.

Sec. 8-2077. REIMBURSEMENT PROCEDURES FOR EXTENSIONS TO NEW DEVELOPMENTS INSIDE AND OUTSIDE CORPORATE LIMITS; PROCEDURES.

(a) *Following* completion, acceptable to the Chief Engineer of the *City* , of such improvements, the developer *shall* furnish the Chief Engineer an itemized list of costs to be reimbursed by the *City* . The *following* unit costs per lineal foot of installed main *shall* be used in determining the amount of reimbursement:

Water mains:

six-inch: twenty dollars ($20.00)/lineal foot

eight-inch: twenty-four dollars ($24.00)/lineal foot

Sewer mains:

eight-inch: twenty-six dollars ($26.00)/lineal foot
ten-inch: thirty-seven dollars ($37.00)/lineal foot
Design and inspection: ten (10) per cent of construction cost
The unit costs will be adjusted annually based on the Engineering News Record Construction Index.
(b) The*City* *shall* pay such other costs incidental to the development of the general area which, in the opinion of the *Council* should properly be borne by the *City* .
(*Code 1959* , §20-31(d)--(g); Ord. No. 1985-543, §21, 4-16-85; Ord. No. 1987-31-TC-296, §29, 8-4-87; Ord. No. 1995-760-TC-122, §§25, 26, TC-20C-95, 11-21-95)
Editor's note: The provisions of this section are also set forth in §10-3023 and are repeated here for the convenience of the reader.

Sec. 8-2078. ENFORCEMENT PROCEDURE.

(a) Civil penalties.
Any*person* who violates any of the provisions of this division, or any standard or regulation, rule, or order duly adopted in furtherance of this division, or who undertakes or continues any alteration, extension, or construction of the *utility system* or part thereof without first obtaining a permit or *written* permission or who undertakes or continues any alterations, extension or construction of the *utility system* or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both *shall* be subject to a civil penalty of fifteen hundred dollars ($1,500.00) per day. The *person* alleged to be in violation *shall* be given notice of the civil penalty by registered mail, certified mail return receipt requested or personal service. The notice *shall* set forth in detail a description of the violation for which the penalty has been invoked. For continuous violations, a second notice *shall* be sent ten (10) calendar days after the original notice. If payment is not received or equitable settlement reached after twenty (20) days after demand for payment is first made, the matter *shall* be referred to the City Attorney for institution of a civil action in the name of the *City* in the appropriate division of the general court of justice of Wake County for recovery of the penalty.
(b) Criminal penalties.
Any*person* who knowingly or willfully or negligently violates any of the provisions of this division, or any standard, regulation, rule or order duly adopted in furtherance of this division, or who undertakes or continues any alteration, extension or construction of the *utility system* or part thereof without first obtaining a permit or *written* permission or who undertakes or continues any alteration, extension, or construction of the *utility system* or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both *shall* be guilty of a misdemeanor punishable by imprisonment to the maximum number of days prescribed by law.
(c) Injunctive relief.
Whenever the*City Council* has reasonable cause to believe that any *person* is violating or threatening to violate any of the provisions of this division or any standards, regulation, rule or order duly adopted in furtherance of this division, or is undertaking or continuing any alteration, extension and construction of the *utility system* without first obtaining a permit or *written* permission, or is undertaking or continuing any alterations, extension, or construction of the *utility system* or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both, the *City* *may* , either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the *City* for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this subsection *shall* not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this Code.

The terms "undertakes" or "undertaking" as used in §8-2078 herein means the initiating of or continuing of or being financially responsible for any activity or phase of activity which results in the extension, construction, or alteration of any part of the*utility system* of the *City* .
(Ord. No. 1986-775, §1, 4-15-86; Ord. No. 2006-100, §2, 9-19-06)
State law reference: Criminal offenses,*G.S.* 14-4; *G.S.* 143-215.6(b).
Secs. 8-2079--8-2090. RESERVED.

DIVISION 3. ACREAGE FEES AND REIMBURSEMENTS; UTILITY MAIN POLICY FOR MAJOR WATER AND SEWER MAINS*

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*Editor's note: Section 26 of Ord. No. 1985-543 changed the title of Div. 3 from "Extension of Major Water and Sewer Mains."

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Sec. 8-2091. UTILITY MAIN POLICY.

It*shall* be the utility main policy of the *City* , subject to the conditions and limitations set forth herein, to reimburse developers who install *major water and sewer mains* either inside or outside the corporate limits the proportionate cost of any installation made in excess of a six-inch water main or an eight-inch sanitary sewer main from acreage fees collected in the same acreage fee area of the installation, with an opportunity for reimbursements not to exceed ten (10) *years* ; but nothing herein *shall* prevent the opportunity for full reimbursement of major sewer lines fifteen (15) inches or greater in size. The *City* will not apply for any reimbursements for installations made by it for mains greater than twenty-four (24) inches in diameter, unless another unit of government, sharing with the *City* in the funding of such an installation, applies for reimbursement on a particular project.
(Ord. No. 1984-338, §8, 4-17-84; Ord. No. 1984-470, §3, 12-18-84; Ord. No. 1985-543, §28, 4-16-85)

Sec. 8-2092. ACREAGE FEES IMPOSED ON ALL EXTENSIONS.

(a) In addition to all other charges, prescribed by ordinance or resolution now or hereafter in effect, there*shall* be a charge for connecting with the water system of the *City* , either within or without the corporate limits of the *City* , and there *shall* be a charge for connecting with the sewer system of the *City* , within or without the corporate limits of the *City* . The charges *shall* be calculated on a per *gross acre* basis for *property* served by the connection. The amounts of such charges to be paid to the *City* at the time the connection is made *shall* be as follows:

Acreage Fee Charges

All Residential Dwelling Units

TABLE INSET:

	Water Acreage Fee	Sewer Acreage Fee
Residential dwelling unit	$282.00/dwelling unit	$282.00/dwelling unit

All Uses Other Than Residential Dwelling Units

TABLE INSET:

Zoning Districts	Water Acreage Fee (per gross acre)	Sewer Acreage Fee (per gross acre)
Agricultural Productive (1)	$1,385.00	$1,385.00
Conservation Buffer (1)	1,385.00	1,385.00
Rural Residential-1, R-2, and R-4 (1)	1,385.00	1,385.00
R-6, Mobile Homes (1)	1,678.00	1,678.00
R-10 (1)	2,224.00	2,224.00
R-15 (1)	2,814.00	2,814.00
R-20 (1)	3,438.00	3,438.00
Office and Institution I, II, and III	3,438.00	3,438.00
Buffer Commercial	3,438.00	3,438.00
Shopping Center	3,438.00	3,438.00
Residential Business	3,438.00	3,438.00
Neighborhood Business	3,438.00	3,438.00
Business	3,438.00	3,438.00
Thoroughfare (2)	3,869.00	3,869.00
Industrial I and II (2)	3,869.00	3,869.00

(1) The acreage fee charge for non-residential uses developed in residential zoning districts will be based upon the fee table above.
(2) If the land in these districts is actually developed for non-residential uses, the fees will be the lesser of either the charge stated above or the charges stated below based on the actual water tap size utilized for the property.
TABLE INSET:

Water Tap Size (inches)	Water Acreage Fee (per tap)	Sewer Acreage Fee (per tap)
3/4	$ 1,385.00	$ 1,385.00
1	2,306.00	2,306.00
1 1/2	4,591.00	4,591.00
2	7,341.00	7,341.00
4	19,237.00	19,237.00
6	44,031.00	44,031.00
8	70,425.00	70,425.00

Following the last working day in June, all fees stated herein *shall* be adjusted in the amount of the "Annual Engineering News Record Construction Index Variation".

Acreage fees collected to reimburse for*major mains shall* be assigned to the same acreage fee area it was collected from, as *may* be amended. Such funds *shall* remain available for reimbursement of *major mains* installed in that same area, as *may* be amended, until the first day of January *following* ten (10) *years* after its collection. The water acreage fee areas and the sewer acreage fee areas are shown on maps on file in the City Clerk's office.

(b) The acreage fees charged public schools*shall* be limited as follows:

Elementary schools: Pay fee for a maximum of four (4) acres.

Junior high schools: Pay fee for a maximum of seven (7) acres.

Senior high schools: Pay fee for a maximum of ten (10) acres.

Parks and recreation facilities: Maximum of three (3) acres for each connection up to a maximum fee based on seven (7) acres for single park site and if a subsequent connection is made, the same criteria would be applicable with maximum fee for site based on cumulative total of seven (7) acres.

Provided, however, that if any land so subject to the provisions of this paragraph that acreage fees are not chargeable therefor is ever conveyed to a grantee other than a school board or*used for* any other than school purposes, it *shall* be subject to the then-applicable acreage fees without limitation.

(c) The*owner* of a tract of residential land, or of land in an area zoned for residential use which is owned, occupied, and used by a nonprofit organization as a private recreation area containing more than three (3) acres, who desires to make one (1) tap on to the *utility systems* of the *City* but who has not, and does not, desire to subdivide his *property* into building lots at the time the tap on is made, *may* tap on to such systems at the rates of charge herein contained for three (3) acres of land. The *owner* of a tract of residential land or of land in an area zoned for residential use which is owned and occupied at the time of utility connection by the *owner* as his dwelling place or the dwelling place of only his family (e.g., a father, mother, and one (1) or more unmarried children, or dependents physically residing in the same structure or group of structures) containing more than two (2) acres, who desires to make one (1) tap-on to the *utility systems* of the *City* but who has not and does not, desire to subdivide his *property* into building lots at the time the tap-on is made, *may* tap onto such systems at the rates charged herein containing two (2) acres of land. A charge for services to the remaining land *shall* be made when services are extended to that land.

(d) When no acreage fee reimbursement contract exists within an acreage fee area and an individual, developer, or subdivider has installed a*major water or major sewer main* that would be eligible for reimbursement, that individual, developer, or subdivider *may* request that the *City* credit the reimbursable value of that *major main* to payment of prevailing acreage fees, on designated parcels of land located within that acreage fee area in lieu of entering into a reimbursement agreement for said main. Prior to receiving credit for such dedication or assignment, the *dedicator* of the *major mains shall* waive *in writing* any right to a reimbursement contract from the *City* as now or hereafter allowed.

(e) The*owner* of a mobile restroom unit *shall* pay a special acreage fee of fifty dollars ($50.00) per plumbing fixture within the unit for each water and sewer.

(Res. 1961-233; Res. 1964-404; Res. 1970-976; Res. 1972-659; Res. 1973-773; Ord. No. 1979-186, 8-21-79; Ord. No. 1981-670, §1, 5-19-81; Ord. No. 1984-338, §§2, 3, 4-17-84; Ord. No. 1984-470, §1, 12-18-84; Ord. No. 1985-543, §13, 4-16-85; Ord. No. 1985-585, §1, 6-18-85; Ord. No. 1985-628, §1, 9-3-85; Ord. No. 1985-681, §1, 12-3-85; Ord. No. 1986-754, §1, 4-1-86; Ord. No. 1986-860, §1, 10-7-86; Ord. No. 1987-955, §1, 4-21-87; Ord. No. 1988-145, §1, 4-19-88; Ord. No. 1988-291-TC-327, §13, 12-13-88; Ord. No. 1989-375, §1, 6-6-89; Ord. No. 1989-418, §1, 9-5-89; Ord. No. 1990-599, §1, 6-19-90; Ord. No. 1991-718, §1, 2-5-91; Ord. No. 1991-878, 7-16-91; Ord. No. 1992-966, §1, 5-5-92; Ord. No. 1993-199, §1, 6-1-93; Ord. No. 1994-398, §1, 5-17-94; Ord. No. 1995-624, §1, 5-2-95; Ord. No. 1997-

112, §1, 5-20-97; Ord. No. 1998-258, §1, 1-6-98; Ord. No. 1998-334, §1, 6-2-98; Ord. No. 1999-545, §1, 4-20-99; Ord. No. 2000-795, §1, 5-16-00; Ord. No. 2001-994, §1, 5-1-01; Ord. No. 2002-195, §1, 5-7-02; Ord. No. 203-436, §1, 5-6-03; Ord. No. 2004-620, §1, 5-4-04; Ord. No. 2005-823, §1, 5-17-05; Ord. No. 2006-13, §1, 5-2-06)

Cross reference: Collection of acreage fees, §10-6081(e).

Sec. 8-2093. ACREAGE FEES; EXCEPTIONS.

Acreage fees as provided above*shall* not be imposed in the *following* circumstances:

(a) *Property* which actually tapped on to the *City utility system* and which is actually using that system, as of June 1, 1959;

(b) Any usable*utility line* in existence in a *street* , adjacent to or within *property* to be connected with the system which was in place prior to the adoption of the new utility policy outside of the *City* on April 2, 1958, and the inside utility policy adopted June 1, 1959. (A usable *utility line* does not include outfalls or water lines where direct service taps are not permitted); and

(c) Any other areas for which separate utility contracts have been made between the*City* and developers.

(Res. No. 1961-223; Res. No. 1964-404; Res. No. 1970-976; Res. No. 1972-659; Res. No. 1973-773; Ord. No. 1985-543, §13, 4-16-85)

State law reference: 1997 Session laws chapter 450, the Wake County Public School System and nonpublic schools of Wake County with 20 or more students qualified under*G.S.* 115C-555 are exempt from development charges.

Sec. 8-2094. PROJECT PROCEDURES AND EXECUTION OF REIMBURSEMENT CONTRACT.

(a) Developers or promoters proposing to install*major water mains* , or *major sewer mains* , or both *shall* follow the ordinances, policies, and procedures for such installations established by the *City* , under the direction of the Department of Public Utilities. Properly prepared preliminary utility plans and profiles *shall* be first submitted to the Public Utilities Department (or to the Planning Department for projects involving a subdivision) and thereafter *shall* follow the provisions of Division 2, Article B, Chapter 2, Part 8 (and Chapter 3, Part 10 for projects involving a subdivision) of this Code.

(b) *Following* completion of the project and acceptance by the *City* of the utility improvements, a reimbursement contract *shall* be prepared, submitted to the *Council* for approval, and then executed by the *City* and developer. But no reimbursement contract *shall* be executed until such time as main trunk or interceptor facilities which serve the acreage fee area are funded and operational.

(c) The reimbursement amounts will be calculated based on the differential unit cost between a six-inch water main and eight-inch sewer main and the main size installed multiplied by the length of the main installed. The differential unit costs to be used are listed below:

TABLE INSET:

Item	Construction Cost (per linear foot)	Reimbursement Cost (per linear foot)
Water mains		
6-inch	$29.00	

12-inch	$48.00	$19.00
16-inch	$61.00	$33.00
24-inch	$112.00	$85.00
Sewer mains		
8-inch	$37.00	
12-inch	$55.00	$19.00
15-inch	$65.00	$29.00
18-inch	$81.00	$43.00
24-inch	$123.00	$87.00
Bore		
12-inch	$139.00	
16-inch	$163.00	$25.00
20-inch	$173.00	$33.00
24-inch	$180.00	$41.00
36-inch	$220.00	$82.00
Design & inspection	10% of construction cost	

The reimbursement unit costs will be adjusted annually based on the Engineering News Record Construction Index.
(Ord. No. 1984-470, §4, 12-18-84; Ord. No. 1985-543, §29, 4-16-85; Ord. No. 1995-669, §§1, 2, 7-5-95; Ord. No. 1996-891, §2, 5-21-96; Ord. No. 1997-113, §2, 7-1-97; Ord. No. 1998-335, §1, 6-2-98; Ord. No. 1999-550, §1, 5-4-99; Ord. No. 2000-794, §1, 5-16-00; Ord. No. 2001-992, §1, 5-1-01; Ord. No. 2002-199, §1, 5-7-02; Ord. No. 2003-437, §1, 5-6-03; Ord. No. 2004-621, §1, 5-4-04; Ord. No. 2005-824, §1, 5-17-05; Ord. No. 2006-14, §1, 5-2-06)

Sec. 8-2095. REIMBURSEMENT CONTRACT; TERMS.

(a) Under any reimbursement contract entered into involving a*major main* extension, *properties* within designated acreage fee areas *shall* be charged the standard *City* acreage fee provided in §§8-2092 and 8-2093 at the time service connection is applied for in accordance with §10-6081(e). As these acreage fees are collected by the *City* , eighty-seven (87) per cent of the funds *shall* be assigned to the same acreage fee area they were collected from in order to allow reimbursement of contract developers of *major mains* installed within that same acreage fee area. Opportunity for reimbursement payments *shall*

be limited to a maximum period of ten (10) *years* from the date of acceptance of the improvements by the *City* , as noted in the reimbursement contract, and no longer.
(b) If more than one (1) extension of a*major main or mains* have been made, reimbursed acreage fees *shall* be paid to the developers making such extensions in the order that the reimbursement contracts are signed. The first contract developer must be fully reimbursed to the extent allowed by this article or the maximum ten- *year* limitation have elapsed before any subsequent contract developers receive any reimbursement.
(c) Beginning on the second anniversary date of reimbursement contracts, the remaining contract balance*shall* be adjusted to the same proportionate extent the *City* acreage fees were adjusted in the most immediately prior June. Adjustments *shall* not be compounded, and the actual contracted reimbursable cost of the installations *shall* be fully paid prior to the payment of any adjustments.
(Ord. No. 1984-338, §§9--11, 4-17-84; Ord. No. 1985-543, §30, 4-16-85)
Editor's note: Reimbursements for oversized*utility lines* are found in Standard Operating Procedure No. 700-6, *major mains* , §7.2 et seq.
Secs. 8-2096--8-2110. RESERVED.

ARTICLE C. USE OF SANITARY SEWER SYSTEM*

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*Editor's note: Ord. No. 1994-347, adopted March 1, 1994, set out provisions intended for use as §§8-2111.1, 8-2111.2; §§8-2112.1--8-2112.9; §§8-2113.1--8-2113.4; §§8-2114.1, 8-2114.2; §§8-2115.1--8-2115.13; §§8-2116.1--8-2116.3; §8-2117; §§8-2118.1--8-2118.4; §8-2119; and §§8-2120.1--8-2120.33. At the editor's discretion, and for the sake of internal consistency, these provisions have been renumbered §§8-2111--8-2140.12 and compartmentalized into eight divisions comprising a new article C. The former article C dealt with similar subject matter and derived from Ord. No. 19-83-154, §1, adopted July 19, 1983; Ord. No. 1983-239, §§1, 2, adopted Dec. 6, 1983; Ord. No. 1984-269, §1, adopted Jan. 17, 1984; Ord. No. 1986-775, §2, adopted April 15, 1986; Ord. No. 1988-205, §§1, 3--8, adopted July 5, 1988; Ord. No. 1989-447, §1, adopted Nov. 7, 1989; and Ord. No. 1991-892, §§1--6, adopted Dec. 3, 1991.

DIVISION 1. GENERAL PROVISIONS

Sec. 8-2111. PURPOSE AND POLICY.

(a) This article sets forth uniform requirements for direct and indirect contributors into the*waste water* collection and *treatment* system for the City of Raleigh, hereafter referred to as the *City* , and enables the *City* to comply with all applicable state and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).
(b) The objectives of this article are:
(1) To prevent the introduction of*pollutants* into the *municipal waste water system* which will interfere with the operation of the system or contaminate the resulting sludge;
(2) To prevent the introduction of*pollutants* into the *municipal waste water system* which will *pass through* the system, inadequately treated, into any *waters of the State* or otherwise be incompatible with the system;
(3) To promote reuse and recycling of industrial*waste water* and sludges from the municipal system;

(4) To protect both municipal personnel who*may* be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
(5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the*municipal waste water system* ; and
(6) To ensure that the municipality complies with its*NPDES* or *Nondischarge Permit* conditions, sludge use and disposal requirements and any other Federal or state laws to which the *municipal waste water system* is subject.
(c) This article provides for the regulation of direct and indirector contributors to the*municipal waste water system* , through the issuance of permits to certain nondomestic *users* and through enforcement of general requirements for the other *users,* authorizes monitoring and enforcement activities, requires *user* reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
(d) This article*shall* apply to all *users* of the *municipal waste water system* . [Note: as authorized by *G.S.* 160A-312 and/or *G.S.* 153A-275]. Except as otherwise provided herein, the *POTW Director* *shall* administer, implement, and enforce the provisions of this article. Any powers granted to or imposed upon the *POTW Director* *may* be delegated by the *POTW Director* to other *City* personnel. By discharging *waste water* into the *municipal waste water system* , *industrial users* located outside the *City* limits agree to comply with the terms and conditions established in this article, as well as any permits, enforcement actions, or orders issued hereunder.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2112. DEFINITIONS AND ABBREVIATIONS.

Unless the context specifically indicates otherwise, the*following* terms and phrases, as used in this article, *shall* have the meanings hereinafter designated:
Act or ***the Act*** : The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
Approval authority : The Director of the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources or his designee.
Authorized representative of the industrial user :
(1) If the*industrial user* is a corporation, authorized representative *shall* mean:
a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other*person* who performs similar policy or decision-making functions for the corporation, or
b. The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250)*persons* or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
(2) If the*industrial user* is a partnership or sole proprietorship, an authorized representative *shall* mean a general partner or the proprietor, respectively.
(3) If the*industrial user* is a Federal, state or local government facility, an authorized representative *shall* mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
(4) The individuals described in paragraphs (1) through (3) above*may* designate another authorized representative if the authorization is *in writing* , the authorization specifies the individual or position responsible for the overall operation of the facility from which the *discharge* originates or having overall responsibility for environmental matters for the company, and the *written* authorization is submitted to the *City.*

Biochemical oxygen demand (BOD) : The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

Building sewer : A sewer conveying *waste water* from the premises of a *user* to the *POTW* .

Bypass : The intentional diversion of waste streams from any portion of a *user's treatment* facility.

Categorical standards : *National categorical pretreatment standards* or *pretreatment standard.*

Consumer of sewer services or ***consumer:*** Any *person* who uses the POTW and who is not an *industrial user.*

Environmental Protection Agency or ***EPA*** : The U.S. Environmental Protection Agency, or where appropriate the term *may* also be used as a designation for the Administrator or other duly authorized official of said *agency.*

Food preparation or serving facility: Any commercial or industrial facility that prepares or serves food, including a restaurant, cafe, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment.

Grab sample : A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Holding tank waste : Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect discharge or ***discharge*** : The discharge or the introduction from any nondomestic source regulated under §307(b), (c), or (d) of *the Act* (33 U.S.C. 1317), into the *POTW* (including *holding tank waste* discharged into the system).

Industrial user or ***user*** : Any *person* which is a source of *indirect discharge* .

Interference : The inhibition, or disruption, of the *POTW treatment* processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the *POTW's NPDES* or *Nondischarge Permit* or prevents sewage sludge use or disposal in compliance with specified applicable state and Federal statutes, regulations or permits. The term includes prevention of sewage sludge use or disposal by the *POTW* in accordance with §405 of *the Act* (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the *POTW.*

Medical waste : Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National categorical pretreatment standard or ***Categorical standard*** : Any regulation containing *pollutant discharge* limits promulgated by *EPA* in accordance with §§307(b) and (c) of *the Act* (33 U.S.C. 1317) which applies to a specific category of *industrial users* , and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

National prohibitive discharge standard or ***prohibitive discharge standard*** : Absolute prohibitions against the *discharge* of certain substances; these prohibitions appear in §8-2113 of this article and are developed under the authority of §307(b) of *the Act* and 40 CFR, §403.5.

New source :

(1) Any building, structure, facility, or installation from which there*may* be a *discharge* of *pollutants* , the construction of which commenced after the publication of proposed *categorical pretreatment standards* under §307(c) of *the Act* which will be applicable to such source if such standards are thereafter promulgated in accordance with §307(c), provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the*discharge* of *pollutants* at an existing source; or

c. The production or*waste water* generating processes of the building, structure, facility, or installaiton are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (1)b. or (1)c. above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) For purposes of this definition, construction of a new source has commenced if the*owner* or operator has:

a. Begun, or caused to begin, as part of a continuous onsite construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water : Water *used for* cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

National Pollution Discharge Elimination System, or NPDES, Permit : A permit issued pursuant to §402 of *the Act* (33 U.S.C. 1342), or pursuant to *G.S.* 143-215.1 by *the State* under delegation from the *EPA* .

Non-discharge permit : A disposal system permit issued by *the State* pursuant to *G.S.* 143-215.1.

Pass through : A *discharge* which exits the *POTW* into *waters of the State* in quantities or concentrations which, alone or with *discharges* from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the *POTW's NPDES* or *Nondischarge Permit* , or a downstream water quality standard.

Person : Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, state, and local government entities.

pH : A measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant : Any "waste" as defined in *G.S.* 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, *medical wastes* ,

chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of *waste water* (e.g., *pH* , temperature, TSS, turbidity, color, *BOD* , COD, toxicity, or odor).

POTW Director : The City of Raleigh, Director of Public Utilities.

POTW treatment plant : That portion of the *POTW* designed to provide *treatment* to *waste water* .

Pretreatment or ***treatment*** : The reduction of the amount of *pollutants* , the elimination of *pollutants* , or the alteration of the nature of *pollutant* properties in *waste water* prior to or in lieu of discharging or otherwise introducing such pollution into a *POTW* . The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the *pollutants* unless allowed by an applicable *pretreatment standard.*

Pretreatment program : The program for the control of *pollutants* introduced into the *POTW* from non-domestic sources which was developed by the *City* in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by *G.S.* 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements : Any substantive or procedural requirement related to *pretreatment* , other than a *pretreatment standard.*

Pretreatment standards : Prohibited *discharge* standards, *categorical standards* , and local limits.

Publicly-owned treatment works (POTW) or ***municipal waste water system*** : A *treatment* works as defined by §212 of *the Act* (33 U.S.C. 1292) which is owned in this instance by the *City.* This definition includes any devices or systems used in the collection, storage, *treatment* , recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey *waste water* to the POTW *treatment* plant. For the purposes of this article, POTW *shall* also include any sewers that convey *waste water* s to the POTW from *persons* outside the *City* who are, by contract or agreement with the *City* , or in any other way, *users* of the *City's* POTW.

Severe property damage : Substantial physical damage to *property* , damage to the *user's treatment* facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a *bypass* . Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user : Any *industrial user* of the *waste water* disposal system who

(1) Has an average daily process*waste water* flow of twenty-five thousand (25,000) gallons or more, or

(2) Contributes more than five (5) per cent of any design or*treatment* capacity (i.e., allowable *pollutant* load) of the *waste water treatment* plant receiving the *indirect discharge* , or

(3) Is required to meet a*national categorical pretreatment standard* , or

(4) Is found by the*City* , the Division of Environmental Management or the U.S. *Environmental Protection Agency (EPA)* to have the potential for impact, either singly or in combination with other contributing *industrial users* , on the *waste water treatment* system, the quality of sludge, the system's effluent quality, or compliance with any *pretreatment standards or requirements.*

Significant noncompliance or ***reportable noncompliance*** : A status of noncompliance defined as follows:

(1) Violations of*waste water discharge* limits.

a. Chronic violations. Sixty-six (66) per cent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-*month* period.
b. Technical review criteria (TRC) violations. Thirty-three (33) per cent or more of the measurements for each pollutant parameter taken during a six-month period equal or exceed the TRC times the limit (maximum or average) in a six-*month* period. There are two (2) groups of TRCs:
For conventional*pollutants* *BOD* , TSS, fats, oil and grease TRC = 1.4
For all other*pollutants* TRC = 1.2
c. Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other*discharges* , *interference* or pass-through; or endangered the health of the sewage *treatment* plant personnel or the public.
d. Any*discharge* of a *pollutant* that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the *POTW's* exercise of its emergency authority to halt or prevent such a *discharge* .
(2) Violations of compliance schedule milestones, contained in a*pretreatment* permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.
(3) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day compliance reports, and periodic compliance reports within thirty (30) days from the due date.
(4) Failure to accurately report noncompliance.
(5) Any other violation or group of violations that the control authority considers to be significant.

Slug load : Any *discharge* at a flow rate or concentration which could cause a violation of the prohibited *discharge* standards in §8-2113 of this article.

Standard industrial classification (SIC) : A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Stormwater : Any flow occurring during or *following* any form of natural precipitation and resulting therefrom.

Superintendent : The *person* designated by the *City* to supervise the operation of the *publicly-owned treatment works* and who is charged with certain duties and responsibilities by this article, or his duly *authorized representative* .

Suspended solids : The total suspended matter that floats on the surface of, or is suspended in, water, *waste water* or other liquids, and which is removable by laboratory filtering.

Upset : An exceptional incident in which there is unintentional and temporary noncompliance with *categorical pretreatment standards* because of factors beyond the reasonable control of the *user* . An upset does not include noncompliance to the extent caused by operational error, improperly designed *treatment* facilities, inadequate *treatment* facilities, lack of preventive maintenance, or careless or improper operation.

Vehicle maintenance facility: 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.

Waste water : The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, *treatment* facilities and institutions, together with any groundwater, surface water, and *stormwater* that *may* be present, whether treated or untreated, which are contributed into or permitted to enter the *POTW.*

Waste water permit : As set forth in §8-2127 of this article.

Waters of the state : All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon *the State* or any portion thereof.

This article is gender neutral and the masculine gender*shall* include the feminine and vice-versa. " *Shall* " is mandatory; " *may* " is permissive or discretionary. The use of the singular *shall* be construed to include the plural and the plural *shall* include the singular as indicated by the context of its use.

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

(1) *BOD: Biochemical Oxygen Demand.*
(2) CFR: Code of Federal Regulations.
(3) COD: Chemical Oxygen Demand.
(4) *EPA: Environmental Protection Agency.*
(5) gpd: Gallons per day.
(6) l: Liter.
(7) mg: Milligrams.
(8) mg/l: Milligrams per liter.
(9) *G.S.:* North Carolina General Statutes.
(10) *NPDES: National Pollution Discharge Elimination System.*
(11) O & M: Operation and maintenance.
(12) *POTW: Publicly-owned treatment works.*
(13) RCRA: Resource Conservation and Recovery Act.
(14) *SIC: Standard Industrial Classification.*
(15) SWDA: Solid Waste Disposal Act.
(16) TSS: Total*suspended solids.*
(17) TN: Total Nitrogen.
(18) U.S.C.: United States Code.
(19) F.O.G.: Fats, Oils, Grease.
(20) TP: Total Phosphorus.

(Ord. No. 1994-347, 3-1-94; Ord. No. 1998-359, §1, 6-11-98; Ord. No. 1998-414, §§1, 2, 9-15-98; Ord. No. 1999-672, §1, 11-3-99; Ord. No. 1999-673, §1, 11-3-99)

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

Sec. 8-2113. PROHIBITED DISCHARGE STANDARDS.

(a) General prohibitions.

No*user* or *consumer* *shall* contribute or cause to be contributed into the *POTW* , directly or indirectly, any *pollutant* or *waste water* which causes *interference* or *pass through* . These general prohibitions apply to all *users* or *consumers* of a *POTW* whether or not the *user* or *consumer* is a *significant industrial user* or subject to any national, state, or local *pretreatment standards or requirements.*

(b) Specific prohibitions.

No*user* or *consumer* *shall* contribute or cause to be contributed into the *POTW* the *following pollutants* , substances, or *waste water* :

(1) *Pollutants* which create a fire or explosive hazard in the *POTW* , including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.

(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the*POTW* resulting in *interference* [but in no case solids greater than one-quarter (1/4) inch in any dimension].
(3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause*interference* or *pass through* ; but in no case, concentrations greater than one hundred (100) mg/l.
(4) Any*waste water* having a *pH* less than 5.0 or more than 12.0 or *waste water* having any other corrosive property capable of causing damage to the *POTW* or equipment. Any *pH* above 12.5 is considered hazardous under 40 CFR 261.22.
(5) Any*waste water* containing *pollutants* , including oxygen-demanding *pollutants* , in sufficient quantity (flow and/or concentration), either singly or by interaction with other *pollutants* , to cause *interference* with the *POTW.*
(6) Any*waste water* having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius), or which will inhibit biological activity in the *POTW treatment plant* resulting in *interference* , but in no case *waste water* which causes the temperature at the introduction into the *treatment* plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
(7) Any*pollutants* which result in the presence of toxic gases, vapors or fumes within the *POTW* in a quantity that *may* cause acute worker health and safety problems.
(8) Any trucked or hauled*pollutants* , except at *discharge* points designated by the *POTW Director* in accordance with §8-2121 of this article.
(9) Any noxious or malodorous liquids, gases, or solids or other*waste water* which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
(10) Any substance which*may* cause the *POTW's* effluent or any other product of the *POTW* such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case *shall* a substance discharged to the *POTW* cause the *POTW* to be in noncompliance with sludge use or disposal regulations or permits issued under §405 of *the Act* ; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
(11) Any*waste water* which imparts color which cannot be removed by the *pretreatment* process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the *treatment* plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatibility of fish or aesthetic quality or impair the receiving waters for any designated uses.
(12) Any*waste water* containing any radioactive wastes or isotopes except as specifically approved by the *POTW Director* in compliance with applicable state or Federal regulations.
(13) *Stormwater* , surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, *noncontact cooling water* and unpolluted industrial *waste water* , unless specifically authorized by the *POTW Director.*
(14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than three hundred (300) mg/l, unless specifically authorized by the*POTW Director.*
(15) Any sludges, screenings or other residues from the*pretreatment* of industrial wastes, unless specifically authorized by the *POTW Director.*
(16) Any*medical wastes* , except as specifically authorized by the *POTW Director* in a *waste water discharge* permit.

(17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the*municipal waste water system.*
(18) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as*may* be specifically authorized by the *POTW Director.*
(19) Any*waste water* causing the *treatment* plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.
(20) *Waste water* causing, alone or in conjunction with other sources, the *treatment* plant's effluent to fail a toxicity test.
(21) Recognizable portions of the human or animal anatomy.
(22) Any wastes containing detergents, surface active agents, or other substances which*may* cause excessive foaming in the *municipal waste water system.*
(23) At no time*shall* two (2) successive readings on an explosion hazard meter, at the point of *discharge* into the system (or at any point in the system) be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter.
(24) Any type of paper product, other than toilet paper.
(25) Any type of cloth, including diapers and wash cloths.
(26) Any type of disposable diaper.
(27) Any type of tobacco product, including cigarettes, cigars, chewing tobacco, and snuff.
(28) Any type of condom.
(29) Any type of personal hygiene product, including tampons, sanitary napkins, and towelettes.
(30) Wood, debris, or wood product, including trees, limbs, roots, leaves, yard waste, grass clippings, or lumber.
(31) Construction material, debris, or tools, including rocks, gravel, cement, concrete, masonry bricks or block, shovels, and hand tools.
(32) Adhesives, glue, dye, or stones used in the manufacture of products.
(33) Product containers, including boxes, bottles, cans, or buckets.
(34) Appliances or parts of appliances.
(35) Vehicles or parts of vehicles.
(36) Rope, string, twine, thread, or similar materials.
(37) Material made of fabric, including carpet, blankets, sheets, sleeping bags.
(38) Trash bags, whether paper or plastic.
(39) All other solids or liquids, other than wastes from the human body, that*may* accumulate in sewer pipes and cause or contribute to blockages.
(c) Processing and storage of prohibited pollutants, substances, etc.
Pollutants , substances, *waste water* , or other wastes prohibited by this section *shall* not be processed or stored in such a manner that they could be discharged to the *municipal waste water system.* All floor drains located in process or materials storage areas must *discharge* to the *industrial user's pretreatment* facility before connecting with the system.
(d) Actions of POTW Director upon determination of violation.
When the POTW Director determines that a*user(s)* or *consumer(s)* is contributing to the *POTW* any of the substances enumerated in subsection (b) above in such amounts which *may* cause or contribute to *interference* of *POTW* operation or *pass through* , the *POTW Director shall* :
(1) Advise the*user(s)* or *consumer(s)* of the potential impact of the contribution on the *POTW* in accordance with §8-2140.5 of this article; and
(2) Take appropriate actions in accordance with division 4 of this article for such*user* or *consumer* to protect the *POTW* from *interference* or *pass through.*

(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-673, §§2, 3, 11-3-99)

Sec. 8-2114. NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users subject to *categorical pretreatment standards* are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471 and incorporated herein.

(1) Where a*categorical pretreatment standard* is expressed only in terms of either the mass or the concentration of a *pollutant* in *waste water* , the *POTW Director* *may* impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When*waste water* subject to a *categorical pretreatment standard* is mixed with *waste water* not regulated by the same *standard* , the *POTW Director* *shall* impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) A*user* *may* obtain a variance from a *categorical pretreatment standard* if the *user* can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its *discharge* are fundamentally different from the factors considered by the *EPA* when developing the *categorical pretreatment standard.*

(4) A*user* *may* obtain a net gross adjustment to a *categorical standard* in accordance with 40 CFR 403.15.

(Ord. No. 1994-347, 3-1-94)

Sec. 8-2115. LOCAL LIMITS.

(a) An industrial waste survey is required prior to discharging*waste water* containing in excess of the *following* *pollutant* parameters. Industrial waste survey information will be used to develop *user* -specific local limits when necessary to ensure that the *POTW's* maximum allowable headworks loading is not exceeded for particular *pollutants* of concern. *User* -specific local limits for appropriate *pollutants* of concern *shall* be included in *waste water* *pretreatment* permits.

0.005 mg/l antimony
0.005 mg/l arsenic
1.000 mg/l barium
0.005 mg/l beryllium
0.005 mg/l cadmium
0.050 mg/l chromium
0.100 mg/l copper
0.010 mg/l cyanide
1.000 mg/l iron
0.025 mg/l lead
0.0001 mg/l mercury
0.005 mg/l molybdenum
0.025 mg/l nickel
0.005 mg/l selenium
0.025 mg/l silver
0.175 mg/l zinc
10 mg/l nitrate nitrogen
10 mg/l sulfide
100 mg/l sulfate
100 mg/l chloride
2.000 mg/l fluoride
1.000 ug/l phenolic compounds
300 mg/l*BOD*

250 mg/l TSS
20 mg/l NH3-N
5 mg/l PO4-P
(b) *Industrial user* -specific local limits for appropriate *pollutants* of concern *shall* be included in *waste water* permits and are considered *pretreatment standards* . The *POTW Director* *may* impose mass limits in addition to, or in place of, the concentration-based limits above.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2116. STATE REQUIREMENTS.

State requirements and limitations on*discharges* *shall* apply in any case where they are more stringent than Federal requirements and limitations or those in this article.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2117. RIGHT OF REVISION.

The*City* reserves the right to establish limitations and requirements which are more stringent than those required by either state or Federal regulation if deemed necessary to comply with the objectives presented in §8-2111 of this article or the general and specific prohibitions in §8-2113 of this article, as is allowed by 40 CFR 403.4.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2118. DILUTION.

No *user* *shall* ever increase the use of process water or, in any way, attempt to dilute a *discharge* as a partial or complete substitute for adequate *treatment* to achieve compliance with the limitations contained in the *national categorical pretreatment standards* , unless expressly authorized by an applicable *pretreatment standard* , or in any other *pollutant* -specific limitation developed by the *City* or state.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2119. PRETREATMENT OF WASTE WATER.

(a) Pretreatment **facilities.**
Users *shall* provide *waste water* *pretreatment* as necessary to comply with this article and *waste water* permits issued under §8-2127 of this article and *shall* achieve compliance with all *national categorical pretreatment standards* , local limits, and the prohibitions set out in §8-2113 of this article within the time limitations as specified by the *EPA* , *the State* , or the *POTW Director* , whichever is more stringent. Any facilities necessary for compliance *shall* be provided, operated, and maintained at the *user's* expense. Detailed plans showing the *pretreatment* facilities and operating procedures *shall* be submitted to the *City* for review, and *shall* be approved by the *POTW Director* before construction of the facility. The review of such plans and operating procedures *shall* in no way relieve the *user* from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the *City* under the provisions of this article. Any subsequent changes in the *pretreatment* facilities or method of operation *shall* be reported to and be approved by the *POTW Director* prior to the *user's* initiation of the changes.
(b) Additional ***pretreatment*** **measures.**
(1) Whenever deemed necessary, the*POTW Director* *may* require *users* to restrict their *discharge* during peak flow periods, designate that certain *waste water* be discharged only into specific sewers, relocate and/or consolidate points of *discharge* , separate sewage waste streams from industrial waste streams, and such other conditions as *may* be

necessary to protect the *POTW* and determine the *users* compliance with the requirements of this article.
(2) The*POTW Director* *may* require any *person* discharging into the *POTW* to install and maintain, on their *property* and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A *waste water* *discharge* permit *may* be issued solely for flow equalization.
(3) All*food preparation or serving facilities* and all *vehicle maintenance facilities* connected to the *City's* sanitary sewer system *shall* install, maintain, and keep in continuous operation a grease trap interceptor. The interceptor *shall* be sized in accordance with standards established by the Public Utilities Department. *Food preparation or serving facilities* and *vehicle maintenance facilities shall* maintain a *written* record of maintenance performed on the interceptor for a minimum of three (3) *years* and *shall* immediately produce that record upon the *City's* request.
(4) *Users* with the potential to *discharge* flammable substances *may* be required to install and maintain an approved combustible gas detection meter.
(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-672, §2, 11-3-99)

Sec. 8-2120. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

At least once every two (2)*years* , the *POTW Director* *shall* evaluate whether each *significant industrial user* needs an accidental *discharge* /slug control plan. The *POTW Director* *may* require any *user* to develop, submit for approval, and implement such a plan. Alternatively, the *POTW Director* *may* develop such a plan for any *user* . An accidential *discharge* /slug control plan *shall* address, at a minimum, the *following* :
(1) Description of*discharge* practices, including nonroutine batch *discharges* ;
(2) Description of stored chemicals;
(3) Procedures for immediately notifying the*POTW Director* of any accidental or slug *discharge* , as required by §8-2133 of this article; and
(4) Procedures to prevent adverse impact from any accidental or slug*discharge* . Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic *pollutants* , including solvents, and/or measures and equipment for emergency response.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2121. HAULED WASTE WATER.

(a) Septic tank waste*may* be introduced into the *POTW* only at locations designated by the *POTW Director* , and at such times as are established by the *POTW Director* . Such waste *shall* not violate division 2 of this article or any other requirements established by the *City* . The *POTW Director* *may* require septic tank waste haulers to obtain *waste water* *discharge* permits.
(b) The*POTW Director* *shall* require haulers of industrial waste to obtain *waste water* *discharge* permits. The *POTW Director* *may* require generators of hauled industrial waste to obtain *waste water* *discharge* permits. The *POTW Director* also *may* prohibit the disposal of hauled industrial waste. The *discharge* of hauled industrial waste is subject to all other requirements of this article.
(c) Industrial waste haulers*may* *discharge* loads only at locations designated by the *POTW Director* . No load *may* be discharged without prior consent of the *POTW Director* . The *POTW Director* *may* collect samples of each hauled load to ensure compliance with

applicable standards. The *POTW Director may* require the industrial waste hauler to provide a waste analysis of any load prior to *discharge.*
(d) Industrial waste haulers must provide a waste tracking form for every load. This form*shall* include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form *shall* identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
(Ord. No. 1994-347, 3-1-94)

DIVISION 3. FEES

Sec. 8-2122. PURPOSE.

(a) It is the purpose of this division to provide for the recovery of costs from*users* of the *City's waste water* disposal system for the implementation of the program established herein.
(b) The applicable charges or fees*shall* be set forth in the *City's* schedule of charges and fees.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2123. USER CHARGES.

(a) A*user* charge *shall* be levied on all *users* including, but not limited to, *persons* , firms, corporations or governmental entities that *discharge* , cause or permit the *discharge* of sewage into the *POTW.*
(b) A nutrient reduction sewer user fee, as established below,*shall* be collected at the time of approval of connection to the *City* 's sewer collection system. This one-time fee *shall* be collected, in addition to any other user charges and fees required by *City* ordinances and resolutions. This fee *shall* be collected by the *City* Inspections Department at the time of issuance of a utility connection permit for sewer:
Residential
Individual sewer service size up to 4-inch service . . . $ 352.00
Group housing on single service . . . 234.00
Non-Residential
0 to 4-inch sewer service . . . 352.00
6-inch sewer service . . . 820.00
8-inch or greater . . . 1,937.00
(Ord. No. 1994-347, 3-1-94; Ord. No. 1998-340, §§1, 2, 6-2-98; Ord. No. 2003-441, §§1, 2, 5-6-03; Ord. No. 2004-619, §§1, 2, 5-4-04; Ord. No. 2005-822, §§1, 2, 5-17-05; Ord. No. 2006-12, §§1, 2, 5-2-06)

Sec. 8-2124. SURCHARGES.

(a) All*industrial users* of the *POTW* are subject to industrial waste surcharges on *discharges* which exceed the *following* levels:
(1) *BOD* greater than three hundred (300) mg/l and/or sixty-three (63) pounds.
(2) COD greater than five hundred (500) mg/l and/or one hundred four (104) pounds.
(3) TSS greater than two hundred fifty (250) mg/l and/or fifty-two (52) pounds.
(4) TN greater than thirty (30) mg/l and/or six (6) pounds.
(5) TP greater than five (5) mg/l and/or one (1) pound.
(6) F.O.G. greater than three hundred (300) mg/l and/or sixty-three (63) pounds.

(b) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

(1) The volume of flow used in determining the total *discharge* of *waste water* for payment of *user* charges and surcharges *shall* be based on the *following* :

a. Metered water consumption as shown in the records of meter readings maintained by the *City* ; or

b. If required by the *City* or at the individual dischargers option, other flow monitoring devices which measure the actual volume of *waste water* discharged to the sewer. Such devices *shall* be accessible and safely located, and the measuring system *shall* be installed in accordance with plans approved by the *City* . The metering system *shall* be installed and maintained at the *users* expense according to arrangements that *may* be made with the *City.*

c. Where any *user* procures all or part of his water supply from sources other than the *City* , the *user* *shall* install and maintain at his own expense a flow measuring device of a type approved by the *City* .

(2) The character and concentration of the constituents of the *waste water* used in determining surcharges *shall* be determined by samples collected and analyzed by the *City* and/or *industrial user* . Samples *shall* be collected in such a manner as to be representative of the actual *discharge* and *shall* be analyzed using procedures set forth in §8-2137 of this article.

(3) The determination of the character and concentration of the constituents of the *waste water* *discharge* by the *POTW Director* or his duly appointed representatives *shall* be binding as a basis for charges.

(Ord. No. 1994-347, 3-1-94; Ord. No. 1998-359, §2, 6-11-98)

Sec. 8-2125. PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

The schedule of charges and fees adopted by the *City* *may* include charges and fees for:

(1) Reimbursement of costs of setting up and operating the *pretreatment program;*

(2) Monitoring, inspections and surveillance procedures;

(3) Reviewing slug control plans, including accidental and/or *slug load discharge* procedures and construction plans and specifications;

(4) Permitting; and other fees as the *City* *may* deem necessary to carry out the requirements of the *pretreatment program.*

(5) Pretreatment Permit fees, as established below, *shall* be collected either at the time of submittal of application for a new permit, a permit modification or permit renewal. Also, the annual administrative, sampling and inspection fee *shall* be paid to the *City* within 30 days of receipt of the *City* invoice, else the permit and permission to discharge be rescinded. These fees *shall* be collected, in addition to any other user charges and fees required by *City* ordinances and resolutions. The fees *shall* be collected by the *City* Public Utilities Department as follows:

<u>Significant Industrial User (SIU)</u>

New permit application or permit modification . . . $200.00

Existing permit renewal . . . $100.00

Annual administrative, sampling and inspection . . . $200.00

<u>Non-Significant Industrial User (Non-SIU)</u>

New permit application or permit modification . . . $100.00

Annual administrative, sampling and inspection . . . $100.00

(Ord. No. 1994-347, 3-1-94; Ord. No. 2005-828, §§1, 2, 5-17-05)

DIVISION 4. WASTE WATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

Sec. 8-2126. WASTE WATER DISCHARGERS.

Its*shall* be unlawful for any *person* to connect or *discharge* to the *POTW* without first obtaining the permission of the *City* . When requested by the *POTW Director* , a *user* must submit information on the nature and characteristics of its *waste water* within thirty (30) days of the request. The *POTW Director* is authorized to prepare a form for this purpose and *may* periodically require *users* to update this information.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2127. WASTE WATER PERMITS.

All*significant industrial users* *shall* obtain a *significant industrial user* permit prior to the commencement of *discharge* to the *POTW* . Existing *industrial users* who are determined by the *POTW Director* to be *significant industrial users* *shall* obtain a *significant industrial user* permit within one hundred eighty (180) days of receiving notification of the *POTW Director's* determination. *Industrial users* who do not fit the *significant industrial user* criteria *may* at the discretion of the *POTW Director* be required to obtain a *waste water* *discharge* permit for non-significant *industrial users.*

(1) Significant industrial user **determination.**

All*persons* proposing to *discharge* non-domestic *waste water* , or proposing to change the volume or characteristics of an existing *discharge* of non-domestic *waste water* *shall* request from the *POTW Director* a *significant industrial user* determination. If the *POTW Director* determines or suspects that the proposed *discharge* fits the *significant industrial user* criteria he will require that a *significant industrial user* permit application be filed.

(2) Significant industrial user **permit application.**

Users required to obtain a*significant industrial user* permit *shall* complete and file with the *City* an application in the form prescribed by the *POTW Director* , and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. *Significant industrial users shall* apply for a *significant industrial user* permit within thirty (30) days after notification of the *POTW Director's* determination in subsection (1) above. In support of the application, the *user* *shall* submit, in units and terms appropriate for evaluation, the *following* information:

a. Name, address, and location (if different from the address);

b. *Standard industrial classification (SIC)* codes for *pretreatment* , the industry as a whole, and any processes for which *categorical pretreatment standards* have been promulgated;

c. Analytical data on*waste water* constituents and characteristics including but not limited to those mentioned in division 2 of this article, any of the priority *pollutants* (§307(a) of *the Act*) which the applicant knows or suspects are present in the *discharge* as determined by a reliable analytical laboratory, and any other *pollutant* of concern to the *POTW* ; sampling and analysis *shall* be performed in accordance with procedures established by the *EPA* pursuant to §304(g) of *the Act* and contained in 40 CFR, Part 136, as amended;

d. Time and duration of the*indirect discharge* ;

e. Average daily and thirty-minute peak*waste water* flow rates, including daily, monthly and seasonal variations, if any;

f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;

g. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
h. Where known, the nature and concentration of any*pollutants* in the *discharge* which are limited by any *City* , state, or Federal *pretreatment standards* , and a statement regarding whether or not the *pretreatment standards* are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional *pretreatment* is required for the *user* to meet applicable *pretreatment standards;*
i. If additional*pretreatment* and/or O & M will be required to meet the *pretreatment standards* , the shortest schedule by which the *user* will provide such additional *pretreatment.* The completion date in this schedule *shall* not be longer than the compliance date established for the applicable *pretreatment standard.* The *following* conditions apply to this schedule:
(i) The schedule*shall* contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional *pretreatment* required for the *user* to meet the applicable *pretreatment standards* . No increment in the schedule *shall* exceed nine (9) *months.*
(ii) No later than fourteen (14) days*following* each date in the schedule and the final date for compliance, the *user* *shall* submit a progress report to the *POTW Director* including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the *user* to return to the established schedule. In no event *shall* more than nine (9) *months* elapse between such progress reports to the *POTW Director.*
j. Each product produced by type, amount, process or processes and rate of production;
k. Type and amount of raw materials processed (average and maximum per day);
l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of *pretreatment system;*
m. If subject to a*categorical standard* , a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in §8-2128 of this article;
n. Any other information as*may* be deemed by the *POTW Director* to be necessary to evaluate the permit application.
(3) Application signatories and certification.
All*waste water* *discharge* permit applications and *user* reports must be signed by an *authorized representative* of the *user* and contain the *following* certification statement:
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
(4) Application review and evaluation.
The*POTW Director* will evaluate the data furnished by the *user* and *may* require additional information.
a. The*POTW Director* is authorized to accept applications for the *City* and *shall* refer all applications to the *POTW* staff for review and evaluation.
b. Within thirty (30) days of receipt the*POTW Director* *shall* acknowledge and accept the complete application; or if not complete, *shall* return the application to the applicant with a statement of what additional information is required.
(5) Tentative determination and draft permit.

a. The *POTW* staff *shall* conduct a review of the application and an onsite inspection of the *significant industrial user,* including any *pretreatment* facilities, and *shall* prepare a *written* evaluation and tentative determination to issue or deny the *significant industrial user* permit.

b. If the staff's tentative determination in subsection (5)a. above is to issue the permit, the*following* additional determinations *shall* be made *in writing:*

(i) proposed*discharge* limitations for those *pollutants* proposed to be limited;

(ii) a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

(iii) a brief description of any other proposed special conditions which will have significant impact upon the*discharge* described in the application.

c. The staff*shall* organize the determinations made pursuant to subsections (5)a. and b. above and the *City's* general permit conditions into a *significant industrial user* permit.

(6) Permit synopsis.

A fact sheet providing a brief synopsis of the application*shall* be prepared by the *POTW* staff for submission to the applicant and the approval authority and *shall* be made available to the public upon request. The contents of such fact sheets *shall* include at least the *following* information:

a. A sketch and detailed description of the industrial facilities and*pretreatment* facilities including the location of all points of *discharge* to the *POTW* and all established compliance monitoring points.

b. A quantitative description of the*discharge* described in the application which include at least the *following* :

(i) the rate or frequency of the proposed*discharge* ; if the *discharge* is continuous, the average daily flow;

(ii) the actual average daily*discharge* in pounds per day of any limited *pollutant* and any *pollutant* identified in the application as known or suspected present; and

(iii) the basis for the*pretreatment* limitations including the documentation of any calculations in applying *categorical pretreatment standards.*

(7) Final action on significant industrial user permit applications.

a. The*POTW Director* *shall* take final action on all applications not later than ninety (90) days *following* receipt of a complete application.

b. The*POTW Director* is authorized to:

(i) issue a*significant industrial user* permit containing such conditions as are necessary to effectuate the purposes of this article and *G.S.* 143-215.1;

(ii) issue a*significant industrial user* permit containing time schedules for achieving compliance with applicable *pretreatment standards and requirements;*

(iii) modify, revoke and/or suspend any permit(s);

(iv) deny a permit application when in the opinion of the*POTW Director* such *discharge* *may* cause or contribute to pass-through or *interference* of the *waste water* *treatment* plant or where necessary to effectuate the purposes of *G.S.* 143-215.1.

(8) Hearings.

a. Initial adjudicatory hearing.

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/*user* assessed a civil penalty under §8-2140.6 of this article, or one issued an administrative order under §8-2140.5 of this article *shall* have the right to an adjudicatory hearing before the *POTW Director* upon making *written* demand, identifying the specific issues to be contested, to the *POTW Director* within thirty (30) days *following* receipt of the *significant industrial user* permit, civil penalty assessment, or administrative order. Unless such *written* demand is made within the time specified herein, the action *shall* be final and binding. The *POTW Director* *shall* make a final decision on the

contested permit, penalty or order within forty-five (45) days of the receipt of the *written* demand for a hearing. The *POTW Director* *shall* transmit a copy of the decision by registered or certified mail.

(i) New permits: Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

(ii) Renewed permits: Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

b. Final appeal hearing.

Any decision of the*POTW Director* made as a result of an adjudicatory hearing held under §2127(8)a. above *may* be appealed, first

(i) to the City Manager, then

(ii) to the*City Council*

upon filing a*written* demand within ten (10) days of receipt of notice of each decision(s). Hearings held under this section *shall* be conducted in accordance with the City of Raleigh Standard Procedure. Failure to make *written* demand within the time specified herein *shall* bar further appeal. A final decision on the appeal *shall* be made within ninety (90) days of the date the appeal was filed and a *written* copy of the decision *shall* be transmitted by registered or certified mail.

c. Official record.

When a final decision is issued under §8-2127(8)b. above, the*City Council* *shall* prepare an official record of the case that includes:

(i) all notices, motion, and other like pleadings;

(ii) a copy of all documentary evidence introduced;

(iii) a certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;

(iv) a copy of the final decision of*City Council.*

d. Judicial review.

Any*person* against whom a final order or decision of the *City Council* is entered, pursuant to the hearing conducted under §8-2127(8)b.(ii) above, *may* seek judicial review of the order or decision by filing a *written* petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Wake County along with a copy to the *City* . Within thirty (30) days after receipt of the copy of the petition of judicial review, the *City Council* *shall* transmit to the reviewing court the original or a certified copy of the official record.

(9) Permit modification.

a. Modifications of permits*shall* be subject to the same procedural requirements as the issuance of permits except as follows:

(i) changes in the ownership of the*discharge* when no other change in the permit is indicated,

(ii) a single modification of any compliance schedule not in excess of four (4)*months* ,

(iii) modification of compliance schedules (construction schedules) in permits for*new sources* where the new schedule will not begin to *discharge* until control facilities are operational.

Any changes or new conditions in the permit*shall* include a reasonable time schedule for compliance.

b. Within nine (9)*months* of the promulgation of a *national categorical pretreatment standard* , the *waste water* *discharge* permit of *users* subject to such standards *shall*

be revised to require compliance with such standard within the time frame prescribed by such standard. Where a *user* , subject to a *national categorical pretreatment standard* , has not previously submitted an application for a *waste water discharge* permit as required by subsection §8-2127(2), the *user shall* apply for a *waste water discharge* permit within one hundred eighty (180) days after the promulgation of the applicable *national categorical pretreatment standard.*

c. A request for a modification by the permittee*shall* constitute a waiver of the sixty-day notice required by *G.S.* 143-215.1(b) for modifications.

(10) Permit conditions.

a. The*POTW Director shall* have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this article and *G.S.* 143-215.1. *waste water permits shall* contain, but are not limited to, the *following* :

(i) a statement of duration (in no case more than five (5)*years*);

(ii) a statement of nontransferability;

(iii) applicable effluent limits based on*categorical standards* or local limits or both;

(iv) applicable monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements*shall* include an identification of *pollutants* to be monitored, sampling location, sampling frequency, and sample type based on Federal, state, and local law;

(v) notification requirements for*slug loads* ; and

(vi) a statement of applicable civil and criminal penalties for violation of*pretreatment standards and requirements* and any applicable compliance schedule.

b. In addition, permits*may* contain, but are not limited to, the *following* :

(i) limits on the average and/or maximum rate of*discharge* , and/or requirements for flow regulation and equalization;

(ii) limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified*waste water pollutants* or properties;

(iii) requirements for the installation of*pretreatment* technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of *pollutants* into the *treatment* works;

(iv) development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine*discharges* ;

(v) development and implementation of waste minimization plans to reduce the amount of*pollutants* discharged to the *municipal waste water system;*

(vi) the unit charge or schedule of*user* charges and fees for the management of the *waste water* discharged to the system;

(vii) requirements for installation and maintenance of inspection and sampling facilities and equipment;

(viii) specifications for monitoring programs which*may* include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;

(ix) requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s);

(x) compliance schedules for meeting*pretreatment standards and requirements;*

(xi) requirements for submission of periodic self-monitoring or special notification reports;

(xii) requirements for maintaining and retaining plans and records relating to*waste water discharges* as specified in §8-2140 and affording the *POTW Director* , or his representatives, access thereto;

(xiii) requirements for prior notification and approval by the*POTW Director* of any new introduction of *waste water pollutants* or of any significant change in the volume or character of the *waste water* prior to introduction in the system;
(xiv) requirements for the prior notification and approval by the*POTW Director* of any change in the manufacturing and/or *pretreatment* process used by the permittee;
(xv) requirements for immediate notification of excessive, accidental, or slug*discharges* , or any *discharge* which could cause any problems to the system;
(xvi) a statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and state*pretreatment* standards, including those which become effective during the terms of the permit;
(xvii) other conditions as deemed appropriate by the*POTW Director* to ensure compliance with this article, and state and Federal laws, rules, and regulations.
(11) Permits duration.
Permits*shall* be issued for a specified time period, not to exceed five (5) *years* . A permit *may* be issued for a period less than a *year* or *may* be stated to expire on a specific date.
(12) Permit transfer.
Waste water permits are issued to a specific *user* for a specific operation. A *waste water discharge* permit *shall* not be reassigned or transferred or sold to a new *owner* , new *user* , different premises, or a new or changed operation.
(13) Permit reissuance.
A*significant industrial user shall* apply for permit reissuance by submitting a complete permit application in accordance with §8-2127 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.
(Ord. No. 1994-347, 3-1-94)

DIVISION 5. REPORTING REQUIREMENTS

Sec. 8-2128. BASELINE MONITORING REPORTS.

(a) Within either one hundred eighty (180) days after the effective date of a*categorical pretreatment standard* , or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical *users* currently discharging to or scheduled to *discharge* to the *POTW shall* submit to the *POTW Director* a report which contains the information listed in subsection (b) below. At least ninety (90) days prior to commencement of their *discharge* , *new sources* , and sources that become categorical *users* subsequent to the promulgation of an applicable *categorical standard* , *shall* submit to the *POTW Director* a report which contains the information listed in subsection (b) below. A *new source shall* report the method of *pretreatment* it intends to use to meet applicable *categorical standards* . A *new source* also *shall* give estimates of its anticipated flow and quantity of *pollutants* to be discharged.
(b) *Users* described above *shall* submit the information set forth below.
(1) Identifying information.
The name and address of the facility, including the name of the operator and *owner.*
(2) Environmental permits.
A list of any environmental control permits held by or for the facility.
(3) Description of operations.
A brief description of the nature, average rate of production, and*standard industrial classifications* of the operation(s) carried out by such *user* . This description should include a schematic process diagram which indicates points of *discharge* to the *POTW* from the regulated processes.

(4) Flow measurement.
Information showing the measured average daily and maximum daily flow, in gallons per day, to the*POTW* from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
(5) Measurement of ***pollutants*** .
a. The*categorical pretreatment standards* applicable to each regulated process.
b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the*POTW Director* , of regulated *pollutants* in the *discharge* from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, *shall* be reported. The sample *shall* be representative of daily operations and *shall* be analyzed in accordance with procedures set out in §8-2137 of this article.
c. Sampling must be performed in accordance with procedures set out in §8-2138 of this article.
(6) Certification.
A statement, reviewed by the*user's authorized representative* and certified by a qualified professional, indicating whether *pretreatment standards* are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional *pretreatment* is required to meet the *pretreatment standards and requirements.*
(7) Compliance schedule.
If additional*pretreatment* and/or O & M will be required to meet the *pretreatment standards* , the shortest schedule by which the *user* will provide such additional *pretreatment* and/or O & M. The completion date in this schedule *shall* not be later than the compliance date established for the applicable *pretreatment standard* . A compliance schedule pursuant to this section must meet the requirements set out in §8-2129 of this article.
(8) Signature **and certification.**
All baseline monitoring reports must be signed and certified in accordance with §8-2127(3) of this article.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2129. COMPLIANCE SCHEDULE PROGRESS REPORTS.

The*following* conditions *shall* apply to the compliance schedule required by §8-2128(b)(7) of this article.
(1) The schedule*shall* contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional *pretreatment* required for the *user* to meet the applicable *pretreatment standards* (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
(2) No increment referred to above*shall* exceed nine (9) *months;*
(3) The*user shall* submit a progress report to the *POTW Director* no later than fourteen (14) days *following* each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the *user* to return to the established schedule; and
(4) In no event*shall* more than nine (9) *months* elapse between such progress reports to the *POTW Director.*
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2130. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within ninety (90) days*following* the date for final compliance with applicable *categorical pretreatment standards* , or in the case of a *new source* *following* commencement of the introduction of *waste water* into the *POTW* , any *user* subject to such *pretreatment standards and requirements* *shall* submit to the *POTW Director* a report containing the information described in §8-2128(b)(4) through (b)(6) of this article. For *users* subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report *shall* contain a reasonable measure of the *user's* longterm production rate. For all other *users* subject to *categorical pretreatment standards* expressed in terms of allowable *pollutant* *discharge* per unit of production (or other measure of operation), this report *shall* include the *user's* actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §8-2127(3) of this article.

(Ord. No. 1994-347, 3-1-94)

Sec. 8-2131. PERIODIC COMPLIANCE REPORTS.

(a) All*significant industrial users* *shall* , at a frequency determined by the *POTW Director* , but in no case less than twice per *year* , submit a report indicating the nature and concentration of *pollutants* in the *discharge* which are limited by *pretreatment standards* and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §8-2127(3) of this article.

(b) All*waste water* samples must be representative of the *user's* *discharge* . *Waste water* monitoring and flow measurement facilities *shall* be properly operated, kept clean, and maintained in good working order at all times. The failure of a *user* to keep its monitoring facility in good working order *shall* not be grounds for the *user* to claim that sample results are unrepresentative of its *discharge* .

(c) If a*user* subject to the reporting requirement in this section monitors any *pollutant* more frequently than required by the *POTW Director* , using the procedures prescribed in §8-2137 of this article, the results of this monitoring *shall* be included in the report.

(Ord. No. 1994-347, 3-1-94)

Sec. 8-2132. REPORTS OF CHANGED CONDITIONS.

Each*user* must notify the *POTW Director* of any planned significant changes to the *user's* operations or system which might alter the nature, quality, or volume of its *waste water* at least thirty (30) days before the change.

(1) The*POTW Director* *may* require the *user* to submit such information as *may* be deemed necessary to evaluate the changed condition, including the submission of a *waste water* *discharge* permit application under §8-2127 of this article.

(2) The*POTW Director* *may* issue a *waste water* *discharge* permit under §8-2127 of this article or modify an existing *waste water* *discharge* permit under §8-2127 of this article in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) per cent or greater, and the*discharge* of any previously unreported *pollutants.*

(Ord. No. 1994-347, 3-1-94)

Sec. 8-2133. REPORTS OF POTENTIAL PROBLEMS.

(a) In the case of any*discharge* , including, but not limited to, accidental *discharges* , *discharges* of a nonroutine, episodic nature, a noncustomary batch *discharge* , or a *slug load* , that *may* cause potential problems for the *POTW* , the *user* *shall* immediately telephone and notify the *POTW Director* of the incident. This notification *shall* include the location of the *discharge* , type of waste, concentration and volume, if known, and corrective actions taken by the *user.*
(b) Within five (5) days*following* such *discharge* , the *user* *shall* , unless waived by the *POTW Director* , submit a detailed *written* report describing the cause(s) of the *discharge* and the measures to be taken by the *user* to prevent similar future occurrences. Such notification *shall* not relieve the *user* of any expense, loss, damage, or other liability which *may* be incurred as a result of damage to the *POTW* , natural resources, or any other damage to *person* or *property* ; nor *shall* such notification relieve the *user* of any fines, penalties, or other liability which *may* be imposed pursuant to this article.
(c) A notice*shall* be permanently posted on the *user's* bulletin board or other prominent place advising employees whom to call in the event of a *discharge* described in subsection (a) above. Employers *shall* ensure that all employees, who *may* cause such a *discharge* to occur, are advised of the emergency notification procedure.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2134. REPORTS FROM UNPERMITTED USERS.

All*users* not required to obtain a *waste water* *discharge* permit *shall* provide appropriate reports to the *POTW Director* as the *POTW Director* *may* require.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2135. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

If sampling performed by a*user* indicates a violation, the *user* must notify the *POTW Director* within twenty-four (24) hours of becoming aware of the violation. The *user* *shall* also repeat the sampling and analysis and submit the results of the repeat analysis to the *POTW Director* within thirty (30) days after becoming aware of the violation.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2136. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(a) Any*user* who commences the *discharge* of hazardous waste *shall* notify the *POTW* , the *EPA* Regional Waste Management Division Director, and state hazardous waste authorities, *in writing* , of any *discharge* into the *POTW* of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the *EPA* hazardous waste number, and the type of *discharge* (continuous, batch, or other).
If the*user* *discharges* more than one hundred (100) kilograms of such waste per calendar *month* to the *POTW* , the notification also *shall* contain the *following* information to the extent such information is known and readily available to the *user* : an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream *discharge* during the calendar *month* , and an estimation of the mass of constituents in the waste stream expected to be discharged during the *following* twelve (12) *months* . All notifications must take place no later than one hundred and eighty (180) days after the *discharge* commences. Any notification under this paragraph need be submitted only once for each hazardous waste *discharge* . However, notifications of changed conditions must be submitted under §8-2132 of this article. The notification requirement in this section does not apply to *pollutants*

already reported by *users* subject to *categorical pretreatment standards* under the self-monitoring requirements of §§8-2128, 8-2130, and 8-2131 of this article.
(b) Dischargers are exempt from the requirements of subsection (a) above during a calendar*month* in which they *discharge* no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). *Discharge* of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar *month* , or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent *months* during which the *user* *discharges* more than such quantities of any hazardous waste do not require additional notification.
(c) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the *user* must notify the *POTW Director* , the *EPA* Regional Waste Management Waste Division Director, and state hazardous waste authorities of the *discharge* of such substance within ninety (90) days of the effective date of such regulations.
(d) In the case of any notification made under this section, the*user* *shall* certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
(e) This provision does not create a right to*discharge* any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable Federal or state law.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2137. ANALYTICAL REQUIREMENTS.

All*pollutant* analyses, including sampling techniques, to be submitted as part of a *waste water* *discharge* permit application or report *shall* be performed by a laboratory certified by the State of North Carolina Laboratory Certification Program, and in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable *categorical pretreatment standard* . If 40 CFR Part 136 does not contain sampling or analytical techniques for the *pollutant* in question, sampling and analyses must be performed in accordance with procedures approved by the *EPA* .
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2138. SAMPLE COLLECTION.

(a) Except as indicated in subsection (b) below, the*user* must collect *waste water* samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the *POTW Director* *may* authorize the use of time proportional sampling or a minimum of four (4) *grab samples* where the *user* demonstrates that this will provide a representative sample of the effluent being discharged. In addition, *grab samples* *may* be required to show compliance with instantaneous *discharge* limits.
(b) Samples for oil and grease, temperature,*pH* , cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2139. TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report *shall* govern.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140. RECORD KEEPING.

Users subject to the reporting requirements of this article *shall* retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the *user* independent of such requirements. Records *shall* include the date, exact place, method, and time of sampling, and the name of the *person(s)* taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records *shall* remain available for a period of at least three (3) *years* . This period *shall* be automatically extended for the duration of any litigation concerning the *user* or the *City* , or where the *user* has been specifically notified of a longer retention period by the *POTW Director.*

(Ord. No. 1994-347, 3-1-94)

DIVISION 6. COMPLIANCE MONITORING

Sec. 8-2140.1. MONITORING FACILITIES.

(a) The*City* requires the *user* to provide and operate, at the *user's* own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the *building sewer* and/or internal drainage systems. The monitoring facility should normally be situated on the *user's* premises, but the *City may* , when such a location would be impractical or cause undue hardship on the *user* , allow the facility to be constructed in the public *street* or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(b) There*shall* be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment *shall* be maintained at all times in a safe and proper operating condition at the expense of the *user* .

(c) Whether constructed on public or private*property* , the sampling and monitoring facilities *shall* be provided in accordance with the *City's* requirements and all applicable local construction standards and specifications. Construction *shall* be completed within ninety (90) days *following written* notification by the *City.*

(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140.2. INSPECTION AND SAMPLING.

The*City* will inspect the facilities of any *user* to ascertain whether the purpose of this article is being met and all requirements are being complied with. *Persons* or occupants of premises where *waste water* is created and discharged *shall* allow the *City* , approval authority and the *EPA* or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The *City,* approval authority, and the *EPA shall* have the right to set up on the *user's property* such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a *user* has security measures in force which would require proper identification and clearance before entry into their premises, the *user shall* make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the *City* , approval authority and the *EPA* will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of

the *POTW Director's* , approval authority's, or the *EPA* 's access to the *user's* premises *shall* be a violation of this article. Unreasonable delays *may* constitute denial of access.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140.3. SEARCH WARRANTS.

If the*POTW Director* , approval authority, or the *EPA* , has been refused access to a building, structure, or *property* , or any part thereof, and is able to demonstrate probable cause to believe that there *may* be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the *City* designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the *POTW Director* , approval authority, or the *EPA* *may* seek issuance of a search warrant.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140.4. CONFIDENTIAL INFORMATION.

(a) Information and data on a*user* obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections *shall* be available to the public or other governmental *agency* without restriction unless the *user* specifically requests and is able to demonstrate to the satisfaction of the *POTW Director* that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the *user* . Any such request must be asserted at the time of submission of the information or data.
(b) When requested by the*person* furnishing a report, the portions of a report which might disclose trade secrets or secret processes *shall* not be made available for inspection by the public, but *shall* be made available upon *written* request to governmental *agencies* for uses related to this article, the *National Pollutant Discharge Elimination System (NPDES) Permit* , *Nondischarge Permit* , and/or the *pretreatment programs* ; provided, however, that such portions of a report *shall* be available for use by *the State* or any state *agency* in judicial review or enforcement proceedings involving the *person* furnishing the report. *Waste water* constituents and characteristics will not be recognized as confidential information.
(c) All records relating to compliance with*pretreatment standards* *shall* be made available to officials of the approval authority and the *EPA* upon request.
(Ord. No. 1994-347, 3-1-94)

DIVISION 7. ENFORCEMENT

Sec. 8-2140.5. ADMINISTRATIVE REMEDIES.

(a) Notification of violation.
Whenever the*POTW Director* finds that any *industrial user, consumer* or other *person* has violated or is violating this article, *waste water* permit, or any prohibition, limitation, or requirements contained therein or any other *pretreatment requirement* the *POTW Director* *may* serve upon such a *person* a *written* notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof *shall* be submitted to the *City* by the *industrial user, consumer* or other *person.* Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.
(b) Consent orders.
The*POTW Director* is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the

person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders *shall* have the same force and effect as an administrative order issued pursuant to §8-2140.5(d), below.

(c) Show cause hearing.

The*POTW Director* *may* order any *industrial user, consumer* or other *person* who causes or is responsible for an unauthorized *discharge* , has violated this article or is in noncompliance with a *waste water* *discharge* permit to show cause why a proposed enforcement action should not be taken. In the event the *POTW Director* determines that a show cause order should be issued, a notice *shall* be served on the *industrial user, consumer* or other *person* specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the *industrial user, consumer* or other *person* show cause why this proposed enforcement action should not be taken. The notice of the hearing *shall* be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service *may* be made on any agent or *officer* of a corporation.

The*POTW Director* *shall* review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under §8-2140.6 nor is any action or inaction taken by the*POTW Director* under this section subject to an administrative appeal under §8-2127(8).

(d) Administrative orders.

When the*POTW Director* finds that an *industrial user, consumer* or other *person* has violated or continues to violate this article, permits or orders issued hereunder, or any other *pretreatment requirement* the *POTW Director* *may* issue an order to cease and desist all such violations and direct those *persons* in noncompliance to do any of the *following* :

(1) Immediately comply with all requirements;

(2) Comply in accordance with a compliance time schedule set forth in the order;

(3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;

(4) Disconnect, unless adequate*treatment* facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

(e) Emergency suspensions.

The*POTW Director* *may* suspend the *waste water* *treatment* service and/or *waste water permit* when such suspension is necessary in order to stop an actual or threatened *discharge* which presents or *may* present an imminent or substantial endangerment to the health or welfare of *persons* or the environment, interferes with the *POTW* or causes the *POTW* to violate any condition of its *NPDES* or *Nondischarge Permit.*

Any*industrial user, consumer* or other *person* notified of a suspension of the *waste water* *treatment* service and/or the *waste water permit* *shall* immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension *may* be lifted or the *industrial user's, consumer's* or other *person's* waste *discharge* permit terminated.

In the event of a failure to comply voluntarily with the suspension order, the*POTW Director* *shall* take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the *POTW* system or endangerment to any individuals. The *POTW Director* *shall* reinstate the *waste water permit* and the *waste water* *treatment* service upon proof of the elimination of the noncompliant *discharge* . The *industrial user, consumer* or other *person* *shall* submit a detailed *written* statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the *POTW Director* prior to the date of the above described hearing.

(f) Termination of permit.
Any*industrial user, consumer* or other *person* who violates the *following* conditions of this article, or applicable state and Federal regulations, is subject to having its permit terminated:
(1) Failure to accurately report the*waste water* constituents and characteristics of his *discharge* ;
(2) Failure to report significant changes in operations, or*waste water* constituents and characteristics;
(3) Refusal of reasonable access to the*industrial user's, consumer's* or other *person's* premises for the purpose of inspection or monitoring; or
(4) Violation of conditions of the permit.
Noncompliant*industrial users, consumers* or other *persons* will be notified of the proposed termination of their *waste water permit* and will be offered an opportunity to show cause under §8-2140.5 of this article why the proposed action should not be taken.
(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-673, §4, 11-3-99)

Sec. 8-2140.6. CIVIL PENALTIES.

(a) Any*user, consumer* or other *person* who is found to have failed to comply with any provision of this article, or the orders, rules, regulations and permits issued hereunder, *may* be fined up to twenty-five thousand dollars ($25,000.00) per day per violation.
(b) In determining the amount of the civil penalty, the*POTW Director* *shall* consider the *following* :
(1) The degree and extent of the harm to the natural resources, to the public health, or to public or private*property* resulting from the violation;
(2) The duration and gravity of the violation;
(3) The effect on ground or surface water quantity or quality or on air quality;
(4) The cost of rectifying the damage;
(5) The amount of money saved by noncompliance;
(6) Whether the violation was committed willfully or intentionally;
(7) The prior record of the violator in complying or failing to comply with the*pretreatment program;*
(8) The costs of enforcement to the *City.*
(c) Appeals of civil penalties assessed in accordance with this section*shall* be as provided in §8-2127(8).
(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-673, §5, 11-3-99)

Sec. 8-2140.7. OTHER AVAILABLE REMEDIES.

Remedies, in addition to those previously mentioned in this article, are available to the*POTW Director* who *may* use any single one (1) or combination against a noncompliant *user, consumer* or other *person.* Additional available remedies include, but are not limited to:
(1) Criminal violations.
The District Attorney*may* , at the request of the *City* , prosecute noncompliant *users, consumers* or other *persons* who violate provisions of *G.S.* 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a *pretreatment* permit, or negligently fail to apply for a *pretreatment* permit, issued by local governments (*G.S.* 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a *pretreatment* permit, or knowingly and willfully fail to apply for a *pretreatment* permit, issued by local governments (*G.S.* 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a *pretreatment* permit issued by local

governments, or knowingly fail to apply for a *pretreatment* permit, knowing at the time that a *person* is placed in imminent danger of death or serious bodily injury (*G.S.* 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (*G.S.* 143-215.6B(i)).]

(2) Injunctive relief.

Whenever a*user, consumer* or other *person* is in violation of the provisions of this article or an order or permit issued hereunder, the *POTW Director* , through the City Attorney, *may* petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(3) Water supply severance.

Whenever an*industrial user, consumer* or other *person* is in violation of the provisions of this article or an order or permit issued hereunder, water service to the *industrial user, consumer* or other *person* *may* be severed and service will only recommence, at the *user's, consumer's* or other *person's* expense, after it has satisfactorily demonstrated ability to comply.

(4) Public nuisances.

Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and*shall* be corrected or abated as directed by the *POTW Director* . Any *person(s)* creating a public nuisance *shall* be subject to the provisions of the *City* Code governing such nuisances, including reimbursing the *POTW* for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-673, §6, 11-3-99)

Sec. 8-2140.8. REMEDIES NONEXCLUSIVE.

The remedies provided for in this article are not exclusive. The*POTW Director* *may* take any, all, or any combination of these actions against a noncompliant *user, consumer* or other *person.* Enforcement of *pretreatment* violations will generally be in accordance with the *City's* Enforcement Response Plan. However, the *POTW Director* *may* take other action against any *user, consumer* or other *person* when the circumstances warrant. Further, the *POTW Director* is empowered to take more than one (1) enforcement action against any noncompliant *user, consumer* or other *person.*

(Ord. No. 1994-347, 3-1-94; Ord. No. 1999-673, §7, 11-3-99)

Policy reference--City of Raleigh Enforcement Response Plan.

Sec. 8-2140.9. ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE.

At least annually, the*POTW Director* *shall* publish in the largest daily newspaper circulated in the service area, a list of those *industrial users* which were found to be in *significant noncompliance* , with applicable *pretreatment standards and requirements* , during the previous twelve (12) *months.*

(Ord. No. 1994-347, 3-1-94)

DIVISION 8. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 8-2140.10. UPSET.

(a) An*upset* *shall* constitute an affirmative defense to an action brought for noncompliance with *categorical pretreatment standards* if the requirements of subsection (b), below, are met.

(b) A*user* who wishes to establish the affirmative defense of *upset* *shall* demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An*upset* occurred and the *user* can identify the cause(s) of the *upset* ;
(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
(3) The*user* has submitted the *following* information to the *POTW Director* within twenty-four (24) hours of becoming aware of the *upset* [if this information is provided orally, a *written* submission must be provided within five (5) days]:
a. A description of the*indirect discharge* and cause of noncompliance;
b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
(c) In any enforcement proceeding, the*user* seeking to establish the occurrence of an *upset* *shall* have the burden of proof.
(d) *Users* will have the opportunity for a judicial determination on any claim of *upset* only in an enforcement action brought for noncompliance with *categorical pretreatment standards.*
(e) *Users* *shall* control production of all *discharges* to the extent necessary to maintain compliance with *categorical pretreatment standards* upon reduction, loss, or failure of its *treatment* facility until the facility is restored or an alternative method of *treatment* is provided. This requirement applies in the situation where, among other things, the primary source of power of the *treatment* facility is reduced, lost, or fails.
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140.11. PROHIBITED DISCHARGE STANDARDS DEFENSE.

(a) A *user* *shall* have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §8-2113(a) of this article or the specific prohibitions in §§8-2113(b)(2), (3), (5) through (7), (9) through (23) of this article if it can prove that it did not know, or have reason to know, that its *discharge* , alone or in conjunction with *discharges* from other sources, would cause *pass through* or *interference* and that either:
(1) A local limit exists for each*pollutant* discharged and the *user* was in compliance with each limit directly prior to, and during, the *pass through* or *interference* ; or
(2) No local limit exists, but the*discharge* did not change substantially in nature or constituents from the *user's* prior *discharge* when the *City* was regularly in compliance with its *NPDES Permit* , and in the case of *interference* , was in compliance with applicable sludge use or disposal requirements.
(b) The references in §8-2140.11 refer only to specific prohibitions actually listed in the article; pursuant to 40 CFR §403.5(a)(2), the affirmative defense outlined in §8-2140.11 cannot apply to the specific prohibitions in §8-2113(b)(1), (4), and (8).
(Ord. No. 1994-347, 3-1-94)

Sec. 8-2140.12. BYPASS.

(a) A*user* *may* allow any *bypass* to occur which does not cause *pretreatment standards or requirements* to be violated, but only if it also is for essential maintenance to assure efficient operation. These *bypasses* are not subject to the provisions of subsections (b) and (c) below.2140.12">(b) (1) If a *user* knows in advance of the need for a *bypass* , it *shall* submit prior notice to the *POTW Director* , at least ten (10) days before the date of the *bypass* , if possible.
(2) A*user* *shall* submit oral notice to the *POTW Director* of an unanticipated *bypass* that exceeds applicable *pretreatment standards* within twenty-four (24) hours from the time

it becomes aware of the *bypass* . A *written* submission *shall* also be provided within five (5) days of the time the *user* becomes aware of the *bypass* . The *written* submission *shall* contain a description of the *bypass* and its cause; the duration of the *bypass* , including exact dates and times, and, if the *bypass* has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurence of the *bypass* .2140.12">(c) (1) *Bypass* is prohibited, and the *POTW Director* *may* take an enforcement action against a *user* for a *bypass* , unless

a. *Bypass* was unavoidable to prevent loss of life, personal injury, or *severe property damage;*

b. There were no feasible alternatives to the*bypass* , such as the use of auxiliary *treatment* facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a *bypass* which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The*user* submitted notices as required under subsection (b) above.

(2) The*POTW Director* *may* approve an anticipated *bypass* , after considering its adverse effects, if the *POTW Director* determines that it will meet the three (3) conditions listed in subsection (c)(1) above.

(Ord. No. 1994-347, 3-1-94)

ARTICLE D. WATER QUALITY PROTECTION*

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*Editor's note: Ord. No. 1987-20, §1, adopted July 21, 1987, effective Sept. 30, 1987, added provisions designated as §§8-2013--8-2028. At the direction of the*City* , these provisions have been redesignated as Art. D, §§8-2141--8-2156, as herein set out.

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Sec. 8-2141. DEFINITIONS.

As used in this article, the*following* terms *shall* have the meanings provided in this section unless the context clearly indicates otherwise.

Air-gap separation . An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air-gap vertical separation *shall* be at least double the diameter of the supply pipe. In no case *shall* the air-gap be less than one (1) inch.

Approved . Certified *in writing* by the Director of Public Utilities as an acceptable device or methodology for the purpose of backflow prevention.

Auxiliary intake . Any piping connection or other device whereby water *may* be secured from a source other than public water supply.

Backflow . Any flow of water into the public water supply from any other source due to a cross-connection, auxiliary intake, interconnection, backpressure, backsiphonage, any combination thereof, or other cause.

Backpressure . Any pressure on any source of water other than the public water supply which *may* be greater than the pressure on the public water supply and *may* result in a backflow.

Backflow prevention device . An approved effective device or method used to prevent backflow from occurring in the potable water supply. The type of device required *shall* be based on degree of hazard, existing or potential.

Backsiphonage . Any circumstance in which the pressure on the public water supply *may* be reduced to the point that the elevation and atmospheric pressure on a source of water other than the public water supply *may* result in a pressure to be greater than the pressure on the public water supply and *may* result in a backflow.

Certified tester . A *person* who has proven his/her competency to test, repair, overhaul and make reports on backflow prevention devices as evidenced by certification of successful completion of a training program approved by the Director of Public Utilities.

Confinement device . A backflow prevention device, as approved and required, installed within a private plumbing or distribution system to isolate a localized hazard from the remainder of said system.

Consumer . Any *person* , firm, or corporation responsible for any *property* at which water from the City of Raleigh public water supply is received. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the *owner* of record *shall* be ultimately responsible.

Containment device . A backflow prevention device, as approved and required, installed at the point of separation between the public water supply and a private service or private distribution system or at the point of metering.

Cross-connection . Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

Cross-connection control coordinator . The official position established and authorized by the *City* and designated by the Director of Public Utilities to administer, interpret this section and who *shall* be a certified tester.

Double check valve backflow prevention device . An approved assembly composed of two (2) single, spring-loaded independently operating check valves, including tightly closing shut-off valves located at each end of the assembly, and having suitable connections for testing the watertightness of each check valve.

Dual check valve . An approved device containing two (2) independently acting check valves in series.

Experimental backflow preventor . Any new or existing containment device or methodology of backflow prevention that is not currently approved and certified by the City of Raleigh Public Utilities Department. Requires at a minimum approval from the University of Southern California Foundation for Cross Connection Control and Hydraulic Research Laboratory for consideration for field installation and use. Only then by specific *written* approval by City of Raleigh Public Utilities Department.

Fire line . A system of pipes and equipment used to supply water in an emergency for extinguishing fire.

Interconnection . Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool, heat exchanger, storage reservoir, or other device which does or *may* contain *sewage* or other waste or substance which would be capable of imparting contamination to the public water supply.

Pressure vacuum breaker . An approved assembly containing an independently operating spring loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly must be equipped with suitable connections for testing the proper operation of the device and tightly closing shut-off valves located at each end of the assembly.

Public water supply . The water and waterworks system of the City of Raleigh, and its customers outside the corporate limits, for general use and which supply is recognized as the public water supply by the North Carolina Department of Human Resources.

Reduced pressure zone principle backflow prevention device (RPZ) . An approved device containing within its structure two (2) spring loaded independently operating check valves, together with an automatically operating pressure differential relief valve located between the two (2) check valves. 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 the atmosphere, *shall* operate to maintain the pressure between the check valves less than the supply pressure. This device *shall* have suitable connections for testing the proper operation of the device, including tightly closing shut-off valves located at each end of the device.
(Ord. No. 1987-20, §1, 7-21-87; Ord. No. 1992-3, §1, 7-7-92)

Sec. 8-2142. COMPLIANCE WITH FEDERAL AND STATE LAW.

The City of Raleigh will comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, and North Carolina State Building Code, which pertain to*cross-connections, auxiliary intakes* and *interconnections,* and establish an effective ongoing program to control potential sources of contamination of the *public water supply* .
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2143. UNLAWFUL CONNECTIONS.

It*shall* be unlawful for any *person* to cause a *cross-connection, auxiliary intake* , or *interconnection* to be made; or allow one to exist for any purpose whatsoever.
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2144. INSPECTION OF PROPERTY.

It*shall* be the duty, upon request of the Director of Public Utilities, of the *cross connection coordinator* to cause inspections to be made of *properties* served by the *public water supply* where *cross-connections* with the *public water supply* are deemed possible. The frequency of inspections and reinspections *shall* be set by the director of public utility.
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2145. RIGHT OF ACCESS.

The Director of Public Utilities, or authorized representative,*shall* have the right to enter, at reasonable time, any nonresidential *property* served by a connection to the Raleigh *public water supply* for the purpose of performing the duties of this article. In those cases in which the *property* owner chooses not to provide such access, the Director of Public Utilities, or authorized representative, *may* designate the location as a high hazard in accordance with §8-2147.
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2146. EXISTING CONDITIONS.

Any*consumer shall* be allowed ninety (90) days to correct any *cross-connections, auxiliary intakes, interconnections* or other hazard as defined by §8-2147 of this Code in violation of the provisions of this article. The ninety (90) days will be from the date of receipt of the notification given by the *cross connection coordinator* .
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2147. HAZARDOUS USES.

(a) The*following* uses *shall* be classified as hazardous uses:

(1) Hazardous uses include, but are not limited to: pumps and tanks handling*sewage* , radioactive, lethal, or toxic substances, boiler and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances, coils or jackets used as heat exchangers, flush valve toilets without vacuum breaks, bacterial and viral materials, private wells or other private water supply, irrigation systems, water systems or hose connections, with booster pumps, carbonation equipment, or similar hazard potential as determined by the *cross connection coordinator* .

(2) Any location at which the nature or mode of operation within a premises are such that frequent alterations are made to the plumbing or at which there is a likelihood in the determination of the*cross connection coordinator* that protective measures *may* be subverted, altered, or disconnected.

(3) Any facility which contains, but is not limited to, a bottling plant, cannery, building having five (5) or more stories, battery manufacturer, exterminator, greenhouse, chemical processing plant, dairy, dye works, film laboratory, car wash, hospital, commercial laboratory, laundry, metal fabricating operation, mortuary, swimming pool, morgue, x-ray equipment, medical office with laboratory, aspirator, medical washing equipment, packing house, plating plant, poultry house, power plant, nuclear reactor, thosefire sprinkler systems equipped with facilities for introduction of freeze preventive chemicals or other substances other than water, dental office, any radioactive material, restaurant, shopping mall with a tenant conducting any activity listed in this section and*sewage* pump or treatment facilities.

(b) All installations described in §8-2147 of this Code*shall* be deemed hazardous uses, and must have a *containment device* in the form of a *reduced pressure zone backflow prevention device* provided that, if the *consumer* demonstrates to the satisfaction of the *cross connection coordinator* that sufficient internal *confinement devices* have been installed and tested. The *cross connection coordinator* will require that the *consumer* provide engineering drawings sealed by a professional engineer of installations within the premises, which provide complete internal protection against *cross-connection* as approved by the *cross connection coordinator* . Any such connection *shall* be considered an other connection for the purpose of determining the type of *containment device* required. Each internal *confinement device shall* be one (1) of the *following* , as *approved* by the Director of Public Utilities or his authorized representative: *reduced pressure zone principle backflow prevention device, double check valve backflow prevention device, air gap, vacuum break-pressure type* , or *dual check valve* . Each *reduced pressure zone principle backflow prevention device* serving as an internal *confinement device shall* have a mesh strainer immediately upstream of the inlet gate valve.

(c) No*person* *shall* fill any tanks or tankers which include the *following* : those containing pesticides, fertilizers, other toxic chemicals or their residues, flush trucks, *street* sweepers, and nonpotable water tankers from a public water system except with an *approved air gap* fill or an *approved reduced pressure backflow preventor* properly installed on the tank or tanker or on the *public water supply* fill pipeline or hose.

(Ord. No. 1987-20, §1, 7-21-87; Ord. No. 1992-3, §§2--4, 7-7-92; Ord. No. 1994-306, §1, 1-4-94)

Sec. 8-2148. OTHER CONNECTIONS.

(a) Services to single-family residential units, not otherwise required by this Code to have other*containment devices* , *may* have a *containment device* in the form of an *approved dual check valve* . On all such services for which meters are applied more than ninety (90)

days *following* the date of adoption of this article, said *dual check valves* or other *containment devices* as required *shall* be installed by the *owner's* representative prior to the installation of the meter by the Department of Public Utilities. On all such services for which meters have been applied prior to that date, said *dual check valve shall* be installed by the Department of Public Utilities, provided that the *City* reserves the right to charge the *owner* or occupant of any *residence* for the cost of said device and its installation. Maintenance of *dual check valve containment devices* installed in accordance with this section *shall* be conducted by the Department of Public Utilities. Testable containment devices that are required on lawn irrigation water systems and must be tested every three (3) years by a contractor that has been approved by the City of Raleigh.

(b) All other connections to the*public water supply* of the City of Raleigh *shall* have *containment devices* in the form of a *double check valve backflow prevention device* as set forth in §8-2149 of this Code. This *shall* include water mains installed to *City* standard, and with *City* supervision, but which are not maintained by the *City* , pursuant to §8-2007, including but not limited to manufactured home parks, apartments, group housing projects, and other private distribution systems, or similar hazard potential as determined by the Director of Public Utilities, or his authorized representative. Private distribution systems [*shall* be] configured so as to provide looped mains, with two (2) or more *containment devices* on each building water service connection and at dead-end branch mains.

(Ord. No. 1987-20, §1, 7-21-87; Ord. No. 1992-3, §5, 7-7-92; Ord. No. 1998-421, §1, 10-6-98; Ord. No. 2000-734-TC-189, TC-2-00, §1, 2-15-00)

Editor's note: Section 5 of Ord. No. 1992-3, adopted July 7, 1992, amended a nonexistent §8-2148(6). The editor has included the amendment as the final sentence of subsection (b), adding the text in brackets [ ] for grammatical correction.

Sec. 8-2149. INSTALLATION OF CONTAINMENT DEVICES.

(a) The*containment devices shall* be located off *street* right-of-way on the water main side of any plumbing connections. When installed in a building, the device *shall* be located on the service line immediately after its entrance into the building. Each *containment and confinement device shall* be installed in a location which is physically accessible for inspection and testing as determined by the *cross connection coordinator. Containment devices* which have been buried in the ground do not satisfy the provisions of this Code. Each reduced pressure principal zone device is unlikely as determined by the *cross connection coordinator* .

(b) The Director of Public Utilities*shall* maintain a list of approved manufacturers and models of hazard *containment devices* and drawings of standard installations, copies to be made available through the office of the Director of Public Utilities and the Chief Inspector's office. All *reduced pressure zone principle backflow prevention devices* and *double check valve backflow prevention devices shall* be approved by the Foundation for Cross Connection Control and Hydraulic Research. All vacuum breaks and *dual check valve devices shall* be approved by the American Society for Sanitary Engineers. All installations and materials *shall* conform to *City* standards as set by the Director of Public Utilities.

(c) In those cases in which*containment and/or confinement devices* have been previously installed by prior *owners* , the *City* , or other parties, the responsibility for maintenance, testing, and replacement as applicable *shall* be with the *consumer* .

(d) The cost of said means of containment, and any other plumbing modifications necessary and convenient thereto, and the testing and maintenance thereof, is to be paid for by the*consumer.*

(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2150. NEW CONSTRUCTION.

All buildings proposing to connect to the public water system of the City of Raleigh receiving building permits, on or after the effective date of this article,*shall* be equipped with an *approved* and tested as properly functioning *backflow prevention device(s)* , as prescribed herein, prior to the issuance of a certificate of code compliance for that building. If a building permit was issued for the building prior to the effective date of the article, or a building permit was not required, the building *shall* be considered to be an existing building prior to the effective date, in accordance with §8-2146 of this Code.

(Ord. No. 1987-20, §1, 7-21-87)

Editor's note: The effective date of this article is September 30, 1987.

Sec. 8-2151. NOTIFICATION OF CONSUMER.

Upon identification of a hazard, or hazard potential, as defined in §§ 8-2147 through 8-2148 of this code, the*cross connection coordinator shall* notify the *consumer* of record of the *property* on which the hazard exists, of the *following* :

(a) Location of hazard;
(b) Nature of hazard observed;
(c) Date hazard observed;
(d) Section of Code applicable;
(e) Requirements of Code.

Such notification to be made by certified mail, with return receipt requested.

(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2152. CHANGE IN NATURE OF USE.

The Public Utilities Department*shall* be notified by the *consumer* when the nature of use of the *property* changes so as to change the hazard classification of that *property* , as set forth in §§8-2147 through 8-2148 of this Code.

(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2153. CONSUMER RESPONSIBILITIES.

(a) The*consumer shall* , upon notification, as defined in §8-2151 of this Code, install the hazard *containment device(s)* as required within ninety (90) days from the date of notification.

(b) If, after expiration of ninety (90) days, the*containment device(s)* has not been installed in conformance with standards set by the Director of Public Utilities, in a proper working condition, the Director of Public Utilities *may* discontinue the *public water supply* service at that premises, and service *shall* not be restored until such devices have been installed. The Director of Public Utilities *may* permit an extension of up to ninety (90) additional days if compliance efforts are underway and the existence of hardship can be demonstrated.

(c) The*City shall* bear no liability for direct or consequential damages proximately caused by the discontinuance of service pursuant to this section.

(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2154. TESTING AND MAINTENANCE OF DEVICES.

The*consumer* at each *property* at which *containment and/or confinement device(s)* have been installed, except those with devices installed in accordance with §8-2148(a) of this Code, *shall* have each *containment and/or confinement device(s)* tested on an annual basis, and perform any routine maintenance to such device as recommended by the manufacturer, and provide the *cross connection coordinator* with a report of that inspection

and work. *Backflow prevention devices* that require testing must be done so with equipment *approved* by the City of Raleigh. The *consumer shall* cause such maintenance or repairs to be made, rendering the device fully operational. Failure of the *consumer* to perform that testing and maintenance *shall* be cause for the premises to be deemed an immediate public health hazard. The Director of Public Utilities *may* immediately thereafter discontinue *public water supply* service to that premises and service *shall* not be restored until such devices have been rendered fully operational. Where the use of water is critical to the continuance of normal operations or protection of life, *property* , or equipment, duplicate *containment or confinement devices shall* be provided by the *property* owner to avoid the necessity of discontinuing water service to test or repair the device or devices.
(Ord. No. 1987-20, §1, 7-21-87; Ord. No. 1992-3, §6, 7-7-92)

Sec. 8-2155. ENFORCEMENT BY CIVIL PENALTY.

(a) Penalty.
Violation of any provision of this article*may* subject the offender to a civil penalty to be recovered by the *City* in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after the assessment has become final by exhaustion of the appeal process established by this section, or by failure to appeal the assessment.
The civil penalty for violation of any provision of this*cross connection control* article *shall* not exceed five hundred dollars ($500.00) per day for each day of continuous violation, or a cumulative or single civil penalty of ten thousand dollars ($10,000.00). The civil penalty for willful violation of any provision of this article *shall* not exceed one thousand dollars ($1,000.00) per day for each day of a continuous violation, or a cumulative or single civil penalty of twenty thousand dollars ($20,000.00).
(b) Assessment.
Any civil penalty*shall* be assessed by the City Manager, upon the recommendation of the Director of Public Utilities, and *shall* be based upon the reasonable estimated cost of correcting the cited violation, the magnitude of the potential risk posed to the public health, safety and welfare by the violation, and the cost of the public safety or other emergency response caused by the violation. The City Manager *shall* serve *written* notice of the civil penalty assessment on the offender and set out with reasonable care the basis of the amount so assessed.
(c) Equitable relief.
The provisions of this article*may* be endorsed by an appropriate equitable remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.
(d) Enforcement option.
The penalties and enforcement provisions established by this article*may* be applied in addition to or in lieu of the penalties established by other sections of this Code.
(Ord. No. 1987-20, §1, 7-21-87)

Sec. 8-2156. LIMITATION OF LIABILITY.

The*City* *shall* not be held liable, for any cause, for failure to detect any unit failing to operate adequately, or failure to identify any specific hazard, which *may* result in contamination of its *public water supply* , nor *shall* this article diminish the responsibility of any *property* owner from whose *property* a contamination of the *public water supply may* originate.
(Ord. No. 1987-20, §1, 7-21-87)
Secs. 8-2157--8-2160. RESERVED.

ARTICLE E. WATER CONSERVATION

Sec. 8-2161. PURPOSE AND INTENT.

It is the purpose and intent of this article to assure that available water resources are put to*reasonable* beneficial uses to avoid depletion of the *City* water supply during a *water shortage* and to ensure that demand does not exceed the *City's* capacity for water treatment and distribution. This article *shall* be liberally construed to implement such purpose and intent.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2162. OBJECTIVE.

The objectives of the Water Conservation policy are to establish a program that will educate*consumers* of the importance of water conservation, set goals for reduction of water use on a day to day basis and during times of drought, and reduce per capita water consumption in a manner that is fair and equitable to all *consumers* /users.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2163. DEFINITIONS.

As used in this article, the following terms*shall* have the meanings provided in this section unless the context clearly indicates otherwise.

Approved. Approved means certified in writing by the Public Utilities Director as an acceptable water *conservation device* , program or methodology for the purpose of water conservation.

Available water supply. The amount of water that is available to the *City* in the water supply pool(s). The U.S. Army Corps of Engineers will determine this amount for Falls Lake once the water level in Falls Lake drops below 251.5 feet Mean Sea Level.

BMP. Best Management Practice.

Certified conservation user. A certified conservation user is a *consumer* who complies with the City of Raleigh water *conservation program* .

City. City in this article means the City of Raleigh.

City reuse water . Effluent water from *City* facilities, including the *City* E.M. Johnson Water Treatment Plant and/or Neuse River Water Reclamation Plant, which meets or exceeds the minimum quality requirements of the current North Carolina Reuse and Reclaimed Water Quality Standards.

Conservation. Conservation means any beneficial reduction in water loss, waste, or use.

Conservation device. An *approved water conservation* device, properly installed within a private plumbing or distribution system, to improve water use efficiency within the *City* water supply system.

Conservation program. A program that identifies the uses of water within residential users, industry groups, commercial and/or industrial applications, which focuses on *BMPs* to reduce the consumption of water. The program will be submitted to Public Utilities for review and approval. Each *conservation program* should be updated as required by the Public Utilities Director. All *certified conservation users* should be publicly recognized as water savers.

Consumer. Any *person,* business, corporation, institution, resident or industry responsible for any property at which water from the City of Raleigh *public water supply* is received. In the absence of other parties or the failure of other parties to accept the

responsibilities herein set forth, the owner of record of the real property *shall* be ultimately responsible.

Hydrant meter. A water meter specifically designed, fabricated and leased from the City of Raleigh Public Utilities Department for *consumers* to purchase water from the *City* from fire hydrants in accordance with the *City's* Hydrant Meter Program.

Major water user. A water customer who uses one hundred thousand (100,000) gallons per day (GPD) or more per account as determined on either an annual or an average day during the *City* seasonal water demand period.

On-site reuse water. On-site reuse water is effluent water from an individual on-site wastewater system which meets or exceeds the minimum requirements of the current North Carolina Reuse and Reclaimed Water Quality Standards.

Potable water. Potable water is the water from the *public water supply* system of the *City* which meets or exceeds the minimum requirements of the current Federal and North Carolina Safe Drinking Water Act.

Public water supply. The water supply of the *City* , and its customers for general use and which supply is recognized as the public water supply of the *City* by the North Carolina Department of Environment and Natural Resources.

Rain sensor (or rain-sensing device or rain shutoff device). A sensor system that automatically adjusts the schedule for or shuts off an irrigation system before or during rainfall.

Reuse water. *City reuse water* and/or *on-site reuse water* .

Seasonal demand period. The period of time from April 1st through November 30th.

Water shortage. A "water shortage" *shall* be deemed to exist when the demands and requirements of water customers served by the *City* cannot be satisfied without depleting the water supply to or below a critical level, the level at which the continued availability of water for human consumption, sanitation and fire protection is jeopardized.

Water demand average. The average daily amount of water pumped from the *City* water plant(s) for the previous thirty (30) day period.

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2164. COMPLIANCE WITH FEDERAL AND STATE LAW.

The*City* will comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act, and North Carolina State Building Code, which pertain to water *conservation* and establish an effective on-going program to control use of *public water supply* .

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2165. UNLAWFUL WATER USES.

It *shall* be unlawful for any for any *person* to use water in violation of this article or any of the mandatory water use restriction ordinances *approved* by the Raleigh City Council. It *shall* also be unlawful for any *person* to use *potable water* from the *public water* system, if *reuse water* from the *City* reuse water supply system is equally available to the same location and the water use does not require *potable water* quality.

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2166. INSPECTION OF PROPERTY.

Its*shall* be the duty, upon request of the Public Utilities Director, for designated Public Utilities Department staff to observe and determine if the uses of water by Raleigh water supply system customers are compliant with the provisions of this article.

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2167. RIGHT OF ACCESS.

The Public Utilities Director, or designated staff,*shall* have the right to enter, at a reasonable time, any property served by a connection to the *City public water supply* for the purpose of performing the duties of this article. In cases in which the property owner, managing agent, or tenant chooses not to provide such access, the Public Utilities Director or authorized staff *may* obtain a warrant an inspect or *may* in accordance with applicable law interrupt water service to the property.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2168. WATER USE RESTRICTIONS.

Water use restrictions*shall* apply to all *City* water supply system customers, including all *City* departments and *City* owned facilities. All permanent water service to customers *shall* be metered and billed based on the *City's* current water and sewer rate ordinance. All temporary water service to customers *shall* be provided through the *City's hydrant meter* program or other water accountability method *approved* by the Public Utilities Director. Water use audits will be conducted by designated Public Utilities staff when determined to be necessary by the Public Utilities Director on any water customer account to determine if water usage *may* be reduced by the customer.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2169. LANDSCAPE WATER CONSERVATION.

After application of this article, all new permanent in-ground irrigation systems *shall* be individually metered. Such systems must have a) an *approved* programmable controller for adjustment of irrigation frequency and intensity; and b) a *rain sensor* , or other *approved conservation device* , for automatic shut-off in accordance with Raleigh standards.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2170. MAJOR WATER USERS.

All*major water users* are required to develop a *conservation program* and an emergency water usage reduction plan to focus on reducing water consumption, to include *BMPs* or policy for their specific uses of water in their business/commercial applications or manufacturing processes. The program *shall* be designed to reduce water consumption as required in the voluntary and Stage 1, Stage 2, and Stage 3 mandatory water *conservation* ordinances. The *conservation program shall* be submitted to Public Utilities for review and approval. Programs *shall* be implemented in accordance with the implementation of voluntary and mandatory water *conservation* ordinances. Each *conservation program* should be updated as required by the Public Utilities Director. All *certified conservation users* should be publicly recognized as water savers.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2171. VEHICLE WASH FACILITIES.

All vehicle wash facilities that desire to be*approved shall* comply with the requirements of the latest conservation certification program of the *City* for vehicle wash facilities *.* Any vehicle wash facility that is not certified by the Public Utilities Director shall be closed during Stage 3 Mandatory Water Restrictions until it is in compliance with the requirements of the conservation certification program or until the stage 3 restrictions are terminated.
(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2172. WATER USE MONITORING.

The Public Utilities Director and designated staff are responsible for monitoring water usage from the public water system and the amount of public water supply that is available to the*City* on a continuous basis. The Public Utilities Director will implement the water use restrictions under this article to ensure that the *City* has sufficient water supply available at all times. Mandatory and voluntary water use restrictions *may* be recommended by the Public Utilities Director for approval by the *City Council* at any time that the *available water supply* capacity does not meet or exceed the projected water usage amount during the calendar year based on the then current *water demand average* . Water use monitoring thresholds are:

(a) Over seventy (70) per cent*available water supply* capacity--Voluntary water *conservation* best management practices are advised.

(b) Seventy (70) per cent or lower available--Mandatory stage 1 water use restrictions*may* be necessary

(c) Sixty (60) per cent or lower available--Mandatory stage 2 water use restrictions*may* be necessary

(d) Fifty (50) per cent or lower available--Mandatory stage 3 water use restriction*may* be necessary.

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2173. EDUCATION.

The Public Utilities Director and designated staff are responsible for developing and maintaining a comprehensive water*conservation* education program to implement voluntary adoption of *City* water *conservation* best management practices. The City of Raleigh Public Utilities Water Conservation Handbook ("the Handbook") is authorized under this Article as the principal text for the water *conservation* education program. The handbook *shall* include detailed descriptions of the Certified Landscape Irrigation Auditing Program, the Conservation Certification Program for the Professional Vehicle Wash Industry, the Water Wise Certification Program and the Major Water Users Conservation Program.

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2174. CONSERVATION WATER RATE.

The*City* water consumption rate ordinance will be annually reviewed by the Public Utilities staff to insure that unit price values and the rate ordinance structure recommended to *City Council* provides an economic incentive for water *conservation* .

(Ord. No. 2004-713, §1, 9-21-04)

Sec. 8-2175. ENFORCEMENT.

(a) Penalty.

Violation of any provision of this article*may* subject the offender to a civil penalty to be recovered by the *City* in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after the assessment has become final by exhaustion of the appeal process established by this section, or by failure to appeal the assessment and will be subject to temporary water service interruption.

The civil penalty for violation of any provision of this article*shall* not exceed one thousand dollars ($1,000.00) per day for each day of continuous violation, or a cumulative or single civil penalty of twenty-five thousand dollars ($25,000.00). The civil penalty for willful violation of any provision of this article *shall* not exceed five thousand dollars ($5,000.00) per day for each day of a continuous violation, or a cumulative or single civil penalty of twenty-five thousand dollars ($25,000.00).

(b) Assessment.

Any civil penalty*shall* be assessed by the Public Utilities Director, and *shall* be based upon the reasonable estimated cost of correcting the cited violation, the magnitude of the potential risk posed to the public health, safety and welfare by the violation, and the cost of the public safety or other emergency response caused by the violation. The Public Utilities Director *shall* serve *written* notice of the civil penalty assessment on the offender and set out with reasonable care the basis of the amount so assessed.
(c) Equitable relief.
The provisions of this article*may* be enforced by an appropriate equitable remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.
(d) Enforcement option.
The penalties and enforcement provisions established by this article*may* be applied in addition to or in lieu of the penalties established by other sections of this Code and applicable ordinances.
(Ord. No. 2004-713, §1, 9-21-04)
Secs. 8-2176--8-2179. RESERVED.

ARTICLE F. REUSE WATER REGULATION*

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***Editor's note:** Ord. No. 2006-100, §1, adopted Sept. 19, 2006, amended Art. F in its entirety to read as herein set out. Former Art. F, §8-2180, pertained to similar subject matter, and derived from Ord. No. 2004-713, §1, adopted Sept. 21, 2004.

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DIVISION 1. GENERAL PROVISIONS

Sec. 8-2180. PURPOSE AND INTENT.

This article sets forth the requirements for the*Reuse Water* System for the *City* of Raleigh, hereafter referred to as the *City* . The *Reuse Water* System provides an alternative water source for non-potable water demands. It is the *City's* policy to provide *reuse water* to the appropriate non-potable demands to limit the growth in potable water.
The objectives of this article are:
1. To reduce the potable water demand and extend the life of the existing raw water supplies.
2. To protect the environment by reducing discharges to the Neuse River.
3. To help meet nitrogen reduction goals for the Neuse River.

This article*shall* apply to users of the *City's water and sewer system* .
(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2181. DEFINITIONS.

[As used in this article, the*following* terms *shall* have the meanings provided in this section unless the context clearly indicates otherwise.]
Approval authority *shall* mean the Director of the Division of Water Quality of the North Carolina Department of Environment, Health and Natural Resources or his designee.
Authorized representative of the reclaimed water user :
(A) If user is a corporation, authorized representative*shall* mean the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other *person* who performs similar policy or decision-making functions for the corporation, or

(B) If the user is a partnership or sole proprietorship, an authorized representative*shall* mean a general partner or the proprietor, respectively.
(C) If the user is a federal, state or local government facility, an authorized representative*shall* mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
(D) The entities described in subdivisions (A) through (B) above*may* designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the *City* .

Cross-connection *shall* mean Any physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement.

Consumer *shall* mean any *person* , firm, or corporation responsible for any *property* at which *reuse water* from the *City* of Raleigh public *reuse water* system is received. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the owner of record *shall* be ultimately responsible.

Dedicators *shall* mean and include the *person* owning or constructing any private utility system being dedicated to the *City* .

Major reuse water *shall* mean those reuse water lines which are twelve (12) inches in diameter or greater.

NCAC Section 15A NCAC 02T.0900 *shall* mean the North Carolina Administrative Code, Section 15A, subchapter 02T, section .0900, as currently written and as may be rewritten from time to time.

Permit *shall* mean an individual user *permit* issued by the *City* of Raleigh and in some cases, the North Carolina Division of Water Quality, to operate an on-site *reclaimed water* facility.

Reclaimed water *shall* have the same meaning as reuse water.

Reuse water *shall* mean wastewater that has been treated to water quality standards as defined by the applicable section of the North Carolina Administrative Code and is intended to be distributed for further use.

Reuse water service stubs *shall* mean those portions of the reuse water service pipes that connect to the *City* 's reuse water mains and extend to the boundaries of public easements and rights-of-way.

Tap size *shall* mean the nominal diameter of the connection of the reuse water line installed between a reuse water meter assembly and the reuse water main connected to the reuse water utility system of Raleigh without regard to the configuration of that reuse water assembly or ownership of the reuse water meter assembly or reuse water main.

Utility system or ***utility lines*** *shall* mean and include reuse water pipe lines, water pipe lines, and sewer pipe lines (any or all as determined by the context), and *shall* include all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the main reuse water, main water, or sewer pipe lines and systems or all, and all appliances necessary and convenient thereto. The utility lines dedicated to the *City* *shall* include only main distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public *street* s, roads, highways and alleys or across *City* utility or sanitary sewer easements on private *property* , and *shall* not include lines leading from mains to building connections on private *property* and *shall* not include the reuse water, water, or sewer lines within any residences

or other privately owned building. Utility lines built in accordance with *City* /County contract dated January, 1985, are part of the *City* 's utility system.

Waters of the State *shall* mean any stream, river, brook, swamp, lake, sound tidal estuary, bay, creek, reservoir, waterway or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the State of North Carolina.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2182. ADOPTION OF NCAC SECTION 15A NCAC 02T.0900 AND PROVIDER PERMIT ISSUED BY DIVISION OF WATER QUALITY.

Rules and regulations relating to waste not discharged to surface waters appearing in North Carolina Administrative Code Title 15A NCAC 2H Section 0.200 and 02T Section .0900 and the*City* of Raleigh Provider Permit, as *may* be amended from time to time, are hereby adopted by reference and incorporated into the City Code as though fully set forth within this article and *shall* apply within the *City* of Raleigh as an ordinance. In the event of any variation between the provisions of the applicable North Carolina Administrative Code and/or the Provider Permit, and/or the provisions of this article, the more strict provision *shall* prevail. The violation of a provision of NCAC Section 15A NCAC 2H Section 0.200 and 02T.0900, *shall* be deemed a violation of this section.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2183. RECLAIMED WATER PERMIT.

All*reclaimed water* users *shall* obtain a User *Permit* prior to the commencement of *reclaimed water* use. Users *shall* make application for initial installation, use, change of use and change of *property* ownership.

It*shall* be unlawful for any *person* to connect to or use *reuse water* without first obtaining a *reuse water* user *permit* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2184. ALLOWABLE USES OF REUSE WATER.

Reuse water *shall* only be applied for approved uses. Where a use is not specifically indicated as being pre-approved, the Director *shall* make a determination if the proposed use is acceptable. The following uses, unless otherwise prohibited, *may* be approved:

(1) Landscape irrigation.
(2) Agricultural irrigation for crops not intended for human consumption.
(3) Decorative ponds and fountains.
(4) Dust control.
(5) Soil compaction.
(6) Vehicle washing if the*reuse water* is either recaptured or is applied without a spray.
(7) *Street* cleaning (vacuum-type cleaners only).
(8) Cooling tower and boiler makeup water.
(9) Urinal and toilet flushing.
(10) Any uses that are deemed permitted under the North Carolina Administrative Code regulating the use of reclaimed or reuse water.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2185. MANDATORY USES OF REUSE WATER.

Where reuse water is available to a*property* , all new landscape irrigation systems *shall* utilize *reuse water* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2186. PROHIBITED USES OF REUSE WATER.

It*shall* be unlawful for *reuse water* to be used in the following applications:

(1) Human consumption.

(2) Irrigation of direct food chain crops.

(3) Swimming pools, hot tubs, spas, or similar uses.

(4) Direct reuse as raw potable water supply.

(5) Any uses that are specifically prohibited under the North Carolina Administrative Code regulating the use of reclaimed or*reuse water* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2187. BUFFERS AND RUNOFF.

Irrigation systems using*reuse water* *shall* be designed keep all spray on the *property* and to maintain the following buffers from the edge of the spray influence:

(1) Twenty-five (25) feet from surface waters including intermittent streams, perennial streams, perennial water bodies and wetlands.

(2) One hundred (100) feet from any well except monitoring wells.

(3) Fifty (50) feet between *reuse water* storage/irrigation ponds and *property* lines.

Irrigation and other systems using*reuse water shall* not generate runoff that flows into the natural waterways or into the buffer areas. Runoff *shall* not enter a storm sewer or drainage ditch that connects to *waters of the State* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2188. ADMINISTRATIVE PROGRAMS.

The Public Utilities Director*shall* have the authority to implement administrative programs that *may* be required to adhere to Federal or State law, adhere to the conditions of any *permits* from Federal or State agencies, or provide efficient operation of the reuse system. Such programs *may* include, but are not limited to, an application program to approve new users, a connection inspection program, follow-up inspection program, compliance and enforcement program, spill prevention, control, and notification program, and educational program to advise the public of the proper and safe use of *reuse water* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2189. NOTIFICATION.

For areas accessible to the public, notification*shall* be provided to inform the public of the use of *reuse water* and that reuse water is not intended for drinking. Signs will be provided indicating "REUSE WATER: DO NOT DRINK".

In industrial and commercial systems, notification*shall* be provided to inform employees that reuse water is being used and that it is not intended for drinking. Training on the proper handling of *reuse water* *shall* be provided to employees required to be in direct contact with reuse systems. Systems in areas of public access *shall* be marked to identify the source of the water as being *reuse water* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2190. LABELING AND COLOR-CODING.

All*reuse water* valves, storage facilities and outlets *shall* be tagged or labeled to warn the public or employees that the water is not intended for drinking.

All*reuse water* piping, valves, outlets and other appurtenances *shall* be color-coded, taped, or otherwise marked to identify the source of the water as being reuse water, as defined in the Public Utility Handbook.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2191. HOSE BIBBS SPIGOTS OR OTHER HAND OPERATED CONNECTIONS.

Above ground hose bibbs spigots or other hand operated connections are not allowed with*reuse water* systems. Hose bibbs spigots or other hand operated connections *shall* be installed in lockable below-grade vaults clearly labeled as *reuse water* . Alternatively, hose bibbs spigots or other hand operated connections that can only be operated by a special tool can be installed in non-lockable, below-grade service boxes clearly labeled as *reuse water* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2192. STORAGE CONTAINERS AND TANK TRUCKS.

Storage containers, including tank trucks that come into contact with*reuse water, shall* not be used to store or transport potable water that is used for drinking or other potable purposes. The containers and trucks *shall* be clearly labeled "REUSE WATER - DO NOT DRINK". The containers *shall* not be filled through on-board piping or removable hoses that *may* subsequently be used to fill tanks with water from a potable water supply.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2193. CROSS-CONNECTION.

There*shall* be no direct *cross-connections* between the *reuse water* system and any potable water system, unless specifically authorized by the Director. Where both potable and *reuse water* systems serve the same *property* , the potable water connection *shall* be provided with an approved backflow prevention device or an air gap separation.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2194. PAYMENT OF FEES AND CHARGES.

Any*person* connecting, installing or using the *reuse water* system *shall* pay all required *permits* , fees, and charges as required by laws, ordinances, and resolutions.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2195. NEW OR REPLACEMENT REUSE WATER SYSTEMS TO BE FLOOD RESISTANT.

Any and all new or replacement*reuse water* supply systems within flood-prone areas *shall* be designed and constructed to minimize and eliminate discharges from such systems into floodwaters.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2196. ACCESS TO AND OBSTRUCTIONS OF MANHOLES AND EASEMENTS.

(a) No*person* *shall* open, enter into, place, or allow anything to be placed in a manhole, vault, or valve box of the *City* 's *reuse water* system without written approval from the Director of Public Utilities or his designee.

(b) No*person* *shall* damage, obstruct, or cover a manhole, vault, or valve box of the *City* 's *reuse water* system.

(c) No*person* *shall* plant trees, shrubs, or other plants within a *reuse water* easement without prior written approval from the Director of the Public Utilities Department.

(d) No*person* *shall* place any part of a structure or any permanent equipment within a reuse water easement without prior written approval from the Director of the Public Utilities Department. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.
(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2197. INJURY TO SYSTEMS; REMOVING, DAMAGING, BREAKING, ETC.

It*shall* be unlawful for any *person* to remove, damage, or interfere with any *reuse water* pipes belonging to the *City* , or to remove, break, or injure any portion of any manhole, or any part of the reuse water of the utility system. Provided, it *shall* further be unlawful for any *person* to cut off or discontinue *reuse water* service to any part of the *City* system without the written consent of the Director of Public Utilities.
(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2198. ENFORCEMENT PROCEDURE.

(a) Civil penalties.
Any*person* who violates any of the provisions of this article or any regulation, standard, rule, or order duly adopted in furtherance of this article, or who continues any alteration extension or construction of the *utility system* or part thereof without first obtaining a *permit* or written permission or who undertakes or continues any alteration, extension, or construction of the *utility system* or part thereof, except in conformity with the terms, conditions, requirements, and provisions of an approved application, plan or both *shall* be subject to a civil penalty of up to one thousand, five hundred dollars ($1,500.00) per day. The *person* alleged to be in violation *shall* be given notice of the civil penalty by registered mail, certified mail return receipt requested, or *person* al service. The notice *shall* set forth in detail a description of the violation for which the penalty has been invoked. For continuous violations, a second notice *shall* be sent ten (10) calendar days after the original notice. If payment is not received or equitable settlement reached after twenty (20) days after demand for payment is first made, the matter *shall* be referred to the *City* Attorney for institution of a civil action in the name of the *City* in the appropriate division of the General Court of Justice of Wake County for recovery of the penalty.
(b) Criminal penalties.
Any*person* who knowingly or willfully or negligently violates any of the provisions of this article, or any standard, regulation, rule or order duly adopted in furtherance of this article, or who undertakes or continues any alteration, extension or construction of the *utility system* or part thereof without first obtaining a *permit* or written permission or who undertakes or continues any alteration, extension, or construction of the *utility system* or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both *shall* be guilty of a misdemeanor punishable by imprisonment to the maximum number of days prescribed by law.
(c) Injunctive relief.
Whenever the *City Council* has reasonable cause to believe that any *person* is violating or threatening to violate any of the provisions of this article or any standards, regulation, rule or order duly adopted in furtherance of this article, or is undertaking or continuing any alteration, extension and construction of the *utility system* without first obtaining a *permit* or written permission, or is undertaking or continuing any alterations, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both, the *City may,* either before or after the institution of any other action or proceeding authorized by

this Code, institute a civil action in the name of the *City* for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this subsection *shall* not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this *Code.*

The terms "undertakes" or "undertaking" as used in §8-2198 herein means the initiating of or continuing of or being financially responsible for any activity or phase of activity which results in the extension, construction, or alteration of any part of the*utility system* of the *City.*

(Ord. No. 2006-100, §1, 9-19-06)

State law reference: Criminal offenses,*G.S.* 14-4; *G.S.* 143-215.6(b).

Sec. 8-2199. DUTY TO REPORT DAMAGE.

Every*person* who observes damage to a manhole or to any other part of the *reuse water* system, public or private, has a duty to report the damage to the Public Utilities Department, and every permit holder whose reuse system is damaged *shall* take immediate actions to stop or as best practical mitigate the flow of the reuse water.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2200. RESERVED.

DIVISION 2. CONNECTION TO THE REUSE WATER SYSTEM

Sec. 8-2201. CONNECTING WITH REUSE WATER PIPES.

It*shall* be unlawful for any *person* to connect any pipe or take by any means *reuse water* from or interfere with the pipes of the *reuse water* system of the *City* without authorization from the Director of Public Utilities. In reviewing requests, the Director of Public Utilities *shall* consider the appropriateness of the size, location, character, and quality of all materials and connections. It *shall* be unlawful for any *person* , except *City* forces as directed by the Director of Public Utilities, to operate any valve in the *reuse water* distribution system of the *City* .

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2202. REPLACEMENT OF REUSE WATER SERVICE STUBS.

In the event of the paving or widening of*street* s, or the raising or lowering of the grade of a *street* , or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new *reuse water* lines initiated by the public, all *reuse water service stubs may* be replaced so as to meet the standards prescribed by the *City* plumbing code. There *shall* be no charge for such replacements.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2203. RESPONSIBILITY FOR MAKING CONNECTIONS.

All*reuse water* services *shall* be installed, extended, replaced or repaired by *City* forces from the *City* 's main to the *property* line unless otherwise permitted by the Director of Public Utilities; provided, no such permission *shall* be granted for work within the corporate limits in public *street* rights-of-way except by licensed utility contractors. All *reuse water* connections in new developments *shall* be the responsibility of the developer and at his expense in accordance with *City* standards and specifications.

(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2204. METER REQUIREMENTS; PLACEMENT OF METERS.

A separate*reuse water* meter connection is required for each lot at the time of connection with *reuse water* service. All such meters *shall* be placed in the *street* right-of-way or in a two-foot easement adjacent to the *street* right-of-way at such locations as the Director of Public Utilities *shall* determine, provided that nothing herein *shall* authorize the placement of a water meter on the opposite side of the *street* right-of-way from the building being served. *Reuse water* meters *shall* be placed within five feet of the potable water meter serving the *property* . All meters *shall* conform to the standards and material specifications of the *City* . All *reuse water* meters *shall* be installed by *City* forces in accordance to a fee schedule on file with the Department of Inspections.
(Ord. No. 2006-100, §1, 9-19-06)
Secs. 8-2205--8-2210. RESERVED.

DIVISION 3. PUBLIC EXTENSIONS OF REUSE WATER SYSTEM

Secs. 8-2211--8-2220. RESERVED.

DIVISION 4. PRIVATE EXTENSIONS OF REUSE WATER SYSTEM

Secs. 8-2221--8-2240. RESERVED.

DIVISION 5. DISCONTINUATION OF SERVICE

Sec. 8-2241. EMERGENCY DISCONTINUATION OF SERVICE AND REPAIRS.

The responsibility for maintaining and repairing*reuse water service stubs* *shall* be in accord with *City* Code, §10-6082. The repair of all pipes and fixtures on private *property* *shall* be the responsibility of the *property* owner or consumer. When a minor failure occurs in a pipe or fixture on private *property* , and such failure is not corrected within twelve (12) hours of notification by the Public Utilities Director to the owner or *person* in charge, the *City* , for the purpose of conserving *reuse water* and protecting the public, *may* discontinue service until the failure is corrected or enter the *property* and make the necessary repairs. When a major failure occurs in a line or fixture and creates the possibility of an immediate danger to the public health or safety, the *City* *may* make the necessary repairs. The work done by the *City* *shall* be limited to the necessary line repair and such backfilling as needed to protect the pipe. The cost of any repairs performed by the *City* *shall* be charged to the *property* owner and included in his next regular periodic *reuse water* bill. Failure to pay the repair bill *shall* be considered as a regular *reuse water* bill delinquency and service *may* be discontinued until such amount is paid.
(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2242. SUSPENSION OF REUSE SERVICE.

The*City* *may* suspend or terminate *reuse water* service at any time the *reuse water* at the terminal point of the *City* 's treatment plant does not meet the requirements of the governing regulatory agencies. In such a case, *reuse water* service *may* be restored when the *City* determines that *permit* user will comply with all the governing requirements. Within thirty (30) days following the suspension of *reuse water* service, the *reuse water* permit holder *may* in writing appeal the suspension to the Public Utilities Director, who within fifteen (15) days of receipt of the appeal shall conduct a hearing. When *reuse water* is not available, the *City* *may* substitute potable water on a temporary basis at the discretion of the *City* . An approved air gap separation must be used in any connection for temporary potable water.
(Ord. No. 2006-100, §1, 9-19-06)

Sec. 8-2243. TERMINATION OF SERVICE FOR MISUSE.

If any*person* violates any provisions of this article or any regulation, standard, rule or order duly adopted in furtherance of this article, the *City may* terminate water, sewer, and/or *reuse water* service to that property. Within thirty (30) days following the termination of *reuse water* service, the *reuse water* permit holder *may* in writing appeal the termination to the Public Utilities Director, who within fifteen (15) days of receipt of the appeal shall conduct a hearing. If service is terminated, the *consumer shall* bear the full responsibility of any costs or liabilities for reconnecting to the utilities. The *City shall* be indemnified by the violator or in the discretion of the *City* the permit user from all claims, damages, losses, or expenses, including federal and state civil penalties imposed upon the *City,* caused by the failure to meet the requirements of the governing regulatory agencies concerning the use and operation of *reuse water* or from the termination of *reuse water* service.

(Ord. No. 2006-100, §1, 9-19-06)