

**AMENDED AND RESTATED
RULES AND REGULATIONS OF
TOWN OF POLLOCKSVILLE
WATER/SEWER ENTERPRISE**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF POLLOCKSVILLE:

**ARTICLE I
REQUIREMENT TO TAP ON
TO WATER AND SEWER SYSTEMS**

It is the aim of this ordinance to provide orderly and beneficial development of its water and sewer enterprise systems through reasonable rules and regulations regarding water and sewer enterprise systems owned and operated by the Town of Pollocksville (“Town”), including the mandated connection to those systems.

A. For properties within the Town limits. The Town hereby requires connection to the water and sewer lines owned or operated by the Town for all properties containing existing structures and new construction within the Town municipal limits.

B. For properties outside the Town’s municipal limits:

1. Any owner of property located outside the Town’s municipal limits and within a reasonable distance of the water and/or sewer lines owned or operated by the Town, who desires to hook on to said water and sewer lines and open a new water and sewer account, shall submit a proper petition for voluntary annexation of said property, and said petition, after due consideration, must be certified, and the property, by ordinance, must be annexed by the Town prior to the provision of water and/or sewer service to said property.
2. All owners of property located outside the Town’s municipal limits who:
 - a. Have an active water and/or sewer account and are receiving services provided by the Town shall not be required to submit said proper petition for voluntary annexation of said property; and
 - b. Have an active water and/or sewer account and are currently not receiving services provided by the Town shall not be required to submit said proper petition for voluntary annexation of said property; and
 - c. Propose new construction of (1) any commercial structure or (2) any subdivision containing five (5) or more lots, including common areas, and requiring water and/or sewer services shall be required to submit said proper

petition for voluntary annexation of said property pursuant to (B)(1) of this article upon the application for activation of said water and/or sewer account.

**ARTICLE II
WATER AND SEWER RATES FOR
CONSUMERS OUTSIDE THE TOWN LIMITS**

All rates, fees and charges for water and sewer services of any nature provided to a consumer for property outside of the Town that is not annexed shall be assessed at the rate for customers outside of the Town's municipal limits contained in the Town's most recently adopted fee schedule.

**ARTICLE III
AVAILABILITY FEE**

All property with a water meter installed, but not otherwise receiving water from the Town due to the consumer's election not to use the same, shall be charged a water and sewer Availability Fee, which shall be equal to the then current minimum monthly water service fee.

**ARTICLE III
APPLICANTS AND RESPONSIBLE PARTIES
FOR NEW ACCOUNTS**

All water and sewer accounts, whether within or outside the municipal limits of the Town, shall only be in the name of individuals or entities who have a right to establish services due to having an interest in the property to be served and who have fully complied with the application procedures contained in this ordinance. The customer or customers in whose names the account is listed shall be liable for all water and sewer services supplied to said property. In establishing a new account, a customer must present sufficient and acceptable documentation evidencing such property interest. Acceptable evidence of such property interest shall be:

- A. Owners – Deed conveying property to customer
- B. Tenants – Fully-executed and current lease listing customer as tenant (if an oral lease, an affidavit from the landlord attesting to the existence of leasehold)
- C. Purchasers – A fully executed purchase contract for the property listing the customer as the buyer

**ARTICLE IV
PENALTIES AND ENFORCEMENT**

A. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall also subject the offender to a civil penalty of \$500.00, which includes administrative fees. If the offender fails to correct this violation within ten (10) days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

B. This Article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.

C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this Article.

D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

ARTICLE V SERVICES

All services are classified under one category, as general user.

A. Rate Schedule and Tap-on Fees

1. All water/sewer rates and tap fees shall be those most recently adopted by the Town Board of Commissioners and a schedule of same shall be available upon request at the Town Hall.
2. Water/Sewer service to any separate structure shall require separate metering. A user is defined as a house, mobile home, other residence or place of business and each user shall be metered separately. The water meter shall meter sewer as well as water.
3. A separate water meter shall be permissible only for water billing for agricultural use, swimming pools, yard sprinkler systems, decorative yard water fountains, etc. A separate tap fee and deposit shall be required, and an application request must be approved by the Town Board of Commissioners. The meter shall be referred to as Special-Use Meter.
4. Blow-off taps shall not be used by customers under any circumstances. All tap fees must be paid.

B. Application for Service

1. Service shall be supplied only to those who have paid the tap fee and deposit.
2. Application for service shall be made in person at the Town office and shall be for both water and sewer. A customer applying for water shall tap to sewer and a customer applying for sewer shall tap to water, with the only exception being a Special-Use Meter application stated in V(A)(3)
3. Application for service shall be accompanied by a cash deposit and the appropriate tap fee, if required, in the amounts contained in the Town's most recently adopted fee schedule.

4. Deposits are refundable upon termination of service and shall be applied to the final bill for settlement of the account.
5. Deposits are non-interest bearing.
6. Tap-on fees are non-refundable once taps have been installed and once installed, taps will not be relocated without payment of an additional tap fee.
7. All customers are required to make deposit with the application for service. Each service meter requires a deposit.
8. The individual in whose name the account is established shall be responsible for payment of all bills incurred in connection with the service furnished.
9. The deposit receipt is not negotiable and may be refunded only by the Town Office on the final bill.
10. Where the Town finds that the request for a deposit refund is questionable, the Town may require the refund applicant to produce the deposit receipt properly endorsed.
11. The Town may reject any application for service if the Town cannot provide a service at a standard cost or if said service may affect the supply of water to existing customers, or for any other good and sufficient reasons deemed necessary by the Board of Commissioners.
12. The Town may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location. When a member of the household has been served water and has not paid for the same, the Town shall not be required to render service to any other member at said location where the water was used until said water bill has been paid. When all members of the same household move to a new location, service shall not be rendered under the name of a different household member until all previous bills have been paid.
13. For violations of any of the provisions of these rules relating to an application for service, the Town may, at the expiration of thirty (30) days from the date of mailing written notice to the last known address of the Consumer, discontinue service. When the meter is thereafter reconnected, the Consumer shall first pay the Town a reconnection fee and a deposit in the amounts contained in the Town's most recently adopted fee schedule.

C. Initial Minimum Charge

1. The initial or minimum charge, as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter requires a separate meter

reading sheet, and each meter reading sheet shall cover a separate and individual account.

2. In areas where service is furnished to a consumer during certain months only, the minimum charge per service for the period of non-use shall be the regular minimum water charge as set out in the published rate of the Town.

D. Town's Responsibility and Liability

1. The Town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each size of meter shall be charged.
2. The Town may install its meter and check valve at the property line or, at the Town's option, on the consumer's property or in a location mutually agreed upon, if an easement is provided to the Town.
3. When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated to which consumer it applies.
4. The Town reserves the right to, but is in no way required to, inspect the consumer's service piping. The Consumer assumes the responsibility of inspecting the Consumer's piping or apparatus and will be responsible for the same.
5. The Town reserves the right to refuse service unless the consumer's line or piping are installed in such manner as to prevent cross-connections or backflow and multiple hookups. Under no conditions shall cross-connections with the Town system be permitted.
6. The Town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises unless such damage results directly from negligence on the part of the Town. The Town shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures, or appliances on the consumer's premises. The Town shall not be responsible for negligence of third persons or forces beyond the control of the Town resulting in any interruption of service.
7. Under normal conditions, the consumer shall be notified of any anticipated interruption of service.

E. Customer's Responsibility

1. Piping on the consumer's premises shall be so arranged that the connections are conveniently located with respect to the Town's lines or mains.
2. If the consumers piping on consumer's premises is so arranged that the Town is called upon to provide additional meters, each place of metering shall be considered as a separate and individual account.
3. Where a meter is placed on the premises of a consumer, a suitable place shall be provided by the consumer for placing such meter; it shall be unobstructed and accessible at all times to the meter reader and/or any Public Works Employee.
4. The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter; the Town shall provide a cutoff valve on the Town's side of such meter.
5. The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the Town's rules and regulations and in full compliance with the sanitary regulations of the North Carolina Department of Human Resources.
6. The consumer shall guarantee proper protection for the Town's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the Town.
7. In the event of any loss or damage to the property of the Town, or any accident or injury to persons or property, that is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the Town; and any liability otherwise resulting shall be assumed by the consumer. Repairs to meter boxes and equipment shall be such amount as established by the Town Boord of Commissioners. The amount of such loss or damage or the cost of repairs shall be added to the consumer's bill; and, if not paid, service may be discontinued by the Town.

F. Extensions to Main and Services

1. Privately Funded Extensions
 - a. Privately financed water/sewer distribution line extensions shall be approved and installed as follows:
 - i. The developer shall comply with the "Checklist Procedure" and policy in effect at the time of application for approval of a privately financed extension.

- ii. The developer shall submit plans for review and approval by the Town, its engineer and the North Carolina Department of Human Resources.
- iii. The developer shall be responsible for the cost of the extension.
- iv. The extension shall be installed in accordance with the approved plans.
- v. Upon completion of the new extension, the developer shall deed the complete facility, to include all rights-of-way, easements, permits, franchises and authorizations or other instruments needed for the operation and maintenance of the facility, to the Town. The Town shall not reimburse the developer for the extension.
- vi. Upon completion of the next extension, the developer shall be responsible for providing the owner with as-built drawings. The as-built drawings must be certified by the developer's engineer such that construction was completed according to plans and specifications.

2. Town Funded Extensions

Town funded water/sewer distribution line extensions shall be approved and installed as follows:

- a. The plans for the extension shall be submitted for review and approval by the Town, its engineer, and any requisite government agency.
- b. The lines shall be installed in accordance with the approved plans and certified by the Town's engineer.
- c. Water/sewer lines shall not be installed on private property or roads with less than two (2) users by the Town.
- d. Priorities for Town Funded Extensions:
 - i. Priorities for water/sewer line extension shall be established by the Town of Pollocksville Board of Commissioners based upon:
 - (a) Engineering considerations and recommendations which include hydraulics, level of service, supply, storage, system operations and funding.
 - (b) Cost Per User
 - (1) Only occupied homes and businesses for which a tap-on fee has been paid shall be considered as a tap when computing priority rankings. If an owner can establish that the

construction of a home or a business shall begin within six months, the proposed facility shall be considered as a tap.

- (2) Ranking used for priority of construction shall be based upon cost per user.
- (3) Ranking is computed by dividing the number of paid tap-ons into the total cost of the proposed line. Ranking shall be from highest to lowest based upon lowest to highest cost per user.

(c) Board Discretion

G. Access to Premises

1. Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing town property, inspecting piping, reading or testing meters, or for any other purpose in connection with the Town's service and facilities.
2. Each consumer shall grant or convey or shall cause to be granted or conveyed, to the Town a perpetual easement and right-of-way across any property owned or controlled by the consumer wherever said perpetual easement and right-of-way is necessary for the Town water/sewer facilities and lines so as to be able to furnish service to the consumer.

H. Change of Occupancy

1. Not less than three business working days' notice shall be given in person or in writing, at the Town Office, to discontinue service for a change in occupancy.
2. The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longer.

I. Meter Reading, Billing, and Collections

1. Meters shall be read, and bills rendered monthly. Meter reading shall be performed between the 22nd and 27th of each month. Billings shall be mailed by the 5th of each month; but the Town reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
2. Bills for water/sewer shall be figured in accordance with the Town's published rate schedule then in effect and shall be based on the amount consumed for the period covered by the meter readings.
3. Charge for service commences when the meter is installed and connection made, whether used or not.

4. Readings from different meters shall not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different consumers, or for the same or different services.
5. Bills are due when rendered and become delinquent after the fifteenth (15th) day of the same month whereupon a penalty of 10% will be added if not paid and service will be discontinued. To restore service, payment of the entire bill plus a reconnect fee in an amount contained in the Town's most recently adopted fee schedule shall be paid in full. Payments made after 3:00 PM of a business day postpones reconnection until next working day.
6. Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.
7. If a user finds that they have a leak from the meter to their point of use and they note a substantial increase to their bill and that this leak is verified by the Public Work Supervisor, an adjustment to one bill during a twelve (12) month period may be granted.

$$\frac{(\text{Water Bill}) - (12 \text{ month average})}{2} + 12 \text{ month average} = \text{Amount Billed}$$

8. There shall be a service charge (reconnect fee) in an amount contained in the Town's most recently adopted fee schedule on all checks returned in the Water/Sewer Department. Checks returned second time after a redeposit constitutes a cut off meter.
9. Water and Sewer delinquent accounts, after having deposits applied, showing no activity for six months shall be removed from computer billing but shall be kept on record. Accounts may be referred to the Town Attorney for collection and/or judgement proceedings. If customer should request service again, the customer shall pay the delinquent balance in full plus the required deposit.

J. Suspension of Service

1. When services are discontinued and all bills paid in full, the deposit shall be refunded.
2. Upon discontinuance of service for nonpayment of bills, the deposit shall be applied by Town toward settlement of the account. Any balance shall be refunded to the consumer; but, if the deposit is not sufficient to cover the bill, the Town may proceed to collect the balance in the usual way provided by law for the collection of debts.

3. Service discontinued for nonpayment of bills shall be restored only after all bills are paid in full, redeposit made, and a reconnect fee in an amount contained in the Town's most recently adopted fee schedule for each meter reconnected.
4. The Town reserves the right to discontinue its service without notice for the following additional reasons:
 - a. To prevent fraud or abuse.
 - b. Consumers willful disregard of the Town's rules.
 - c. Emergency repairs.
 - d. Insufficiency of supply due to circumstances beyond the Town's control.
 - e. Legal procedures.
 - f. Direction of Public authorities.
 - g. Strike, riot, tire, flood; accident or any unavoidable cause.
5. The Town may, in addition to prosecution under the ordinance, permanently refuse service to any consumer who tampers with a meter or other measuring device. In addition to other remedies and criminal prosecution available at law for tampering with the Town's infrastructure, tampering with any of the Town's water or sewer infrastructure or equipment shall constitute a misdemeanor as provided in N.C.G.S. Section 14-4.

K. Complaints and Adjustments

1. If the consumer believes his bill to be in error, he shall present his claim, in person, at the Town office before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.
2. The Town shall make special meter readings at the request of the consumer for a fee in an amount contained in the Town's most recently adopted fee schedule. However, if such special reading disclosed that the meter was overread, no charge shall be made.
3. If the seal of the meter is broken by someone other than the Town representative or if the meter fails to register correctly or is stopped for any reason, the consumer shall pay an amount estimated from the record of his previous bill and/or other proper data.

L. Charges to Other Government Agencies

1. Any agency for which the Town provides labor and equipment services shall be charges those rates in an amount contained in the Town's most recently adopted fee

schedule unless Town is providing such labor and equipment in accordance with a mutual aid agreement providing for a separate arrangement.

M. Charges to Private Developers or Individuals

1. Charges to private developers or individuals shall be in an amount contained in the Town's most recently adopted fee schedule.

N. Agreements and Modifications

1. No promise, agreement, or representation of any employee of the Town shall be binding upon the Town except as it shall have been agreed upon in writing, signed and accepted by the acknowledged Town Board of Commissioners.
2. No modification of rates or any of the rules and regulations shall be made by any agent of the Town.

O. Irrigation Water Meters

1. **New irrigation systems.** All in-ground irrigation systems, served by the Town's water system, installed after the effective date of this ordinance shall be required to have a separate irrigation water meter. Prior to the installation of a new in-ground irrigation system to be connected to the Town's water system, the customer shall request the Town to install and operate a Town-approved irrigation meter pursuant to procedures established (and as modified from time-to-time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the Town in installing any such irrigation meter shall be and remain the property of the Town. Prior to installation of any such irrigation meter, the customer shall pay to the Town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Board of Commissioners.
2. **Single-family residential customers with existing irrigation systems.** Any utility customer of the Town in good standing may request the Town to install and operate a Town-approved irrigation meter at any single-family residential dwelling owned by such customer to which the Town provides utility services, pursuant to procedures established (and as modified from time to time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the Town in installing any such irrigation meter shall be and remain the property of the Town. Prior to the installation of any such irrigation meter, the customer shall pay to the Town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Board of Commissioners.

3. **Other customers.** Except as provided in subsection (2) hereof, any other utility customer of the Town in good standing may request the Town to install and operate a Town-approved irrigation meter at any property owned by such customer to which the Town provides utility services, pursuant to procedures established (and as modified from time-to-time) by the Town’s Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the Town in installing any such irrigation meter shall be and remain the property of the Town. Prior to installation of any such irrigation meter, the customer shall pay to the Town all charges specified in the schedule of fees established (and as modified from time-to- time) by the Town Board of Commissioners.

P. Amendments

Subject to change at any time by majority decision of the Town Board of Commissioners, notice of any amendment will be mailed with the next meter bill of each meter and will give effective date of change.

Q. Conflicts

To the extent that any term of this ordinance is inconsistent or in conflict with any other Town ordinance, rule or regulation, the terms of this ordinance shall control.

**ARTICLE VI
ADOPTION AND EFFECTIVE DATE**

This ordinance is hereby adopted by the Town Commissioners to be effective the _____ day of _____, 2024.

TOWN OF POLLOCKSVILLE

BY: _____
James V. Bender, Jr., MAYOR

ATTESTED:

Toni Floyd, CLERK TO THE BOARD

LSS 156209

Original signed copy filed in the Town of Pollocksville Ordinance Book at the Pollocksville Town Hall