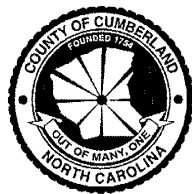


JEANNETTE M. COUNCIL
Chairman

KENNETH S. EDGE
Vice Chairman

CHARLES E. EVANS
MARSHALL FAIRCLOTH
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Commissioners Evans, Keefe, and Melvin)
FROM: Kellie Beam, Deputy Clerk to the Board **KB**
DATE: May 2, 2014
SUBJECT: Policy Committee Meeting – May 8, 2014

There will be a regular meeting of the Policy Committee on Thursday, May 8, 2014 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – March 6, 2014 Meeting **(Pg. 2)**
2. Consideration of Approval of an Ordinance Regulating the Use of Water and Sewer Facilities Operated by the County of Cumberland **(Pg. 6)**
3. Other Items of Business **(NO MATERIALS)**

cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MARCH 6, 2014 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chairman
Commissioner Charles Evans (came in at 10:40 a.m.)
Commissioner Ed Melvin

OTHER COMMISSIONERS
PRESENT:

Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT:

James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Melissa Cardinali, Finance Director
Tom Lloyd, Planning and Inspections Director
Patti Speicher, Planning Manager
Buck Wilson, Public Health Director
George Turner, Chairman Civic Center Commission
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Keefe called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Melvin moved to appoint Commissioner Keefe as
Chairman of the Policy Committee.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

2. APPROVAL OF MINUTES – DECEMBER 5, 2013

MOTION: Commissioner Melvin moved to approve the minutes.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

DRAFT

3. UPDATE ON COLISEUM-TOURISM OVERLAY DISTRICT AND BILLBOARDS – US HWY 301

BACKGROUND:

On December 5, 2013 the committee was briefed on the draft provisions of the Coliseum-Tourism Overlay District (CTOD) and the supplemental billboard amendment. At that time the committee asked for a comparison of the proposed sign regulations for the overlay district as related to other jurisdictions' similar regulations. Hilton Head Island and Cary were mentioned during the discussion. A chart with the basic sign provisions for comparable districts in six jurisdictions is attached.

In addition, at the December 5th Policy Committee meeting, two specific changes, both relating to nonconformities, to the text were requested. The original draft set the extent of damage to where a structure could not be replaced at 30%; this number has been changed to 40% at your request. The second change included a provision that would prohibit resumption of a use not allowed within the district if the use ceased for a period of 90 days – consistent with your request, this time period has been changed to 180 days.

Also, the staff met with the Civic Center Commission on December 11, 2013, and reviewed the proposed CTOD and billboard provisions, including the changes made by the Policy Committee. The commission is recommending a major change – replacing “building tax assessed” with “reproducible” in regard to the determining value for replacement of nonconformities.

RECOMMENDATION:

Direct the staff to coordinate with the city staff, scheduling the proposed amendments with their respective Planning Board/Commission, forwarding to the governing bodies for final public hearings and adoption.

Tom Lloyd, Planning and Inspections Director, reviewed the background information and recommendation as recorded above and responded to questions.

Mr. Lloyd stated if the proposed amendments are approved by the Policy Committee it would go to the Planning Board and would come back to the full board next month for approval. Mr. Lloyd stated the City of Fayetteville has been in agreement from the beginning and county and city planning staffs discuss such matters weekly.

Commissioner Faircloth asked Mr. Lloyd if there was anything else that could be done to improve this proposed ordinance. Mr. Lloyd stated the county's sign height is 35 feet and the city of Fayetteville's sign height is 25 feet. Commissioner Keefe asked Mr. Lloyd if it would be beneficial to reduce the county's sign height limit to 25 feet to match the City of Fayetteville's since this overlay district is a checkerboard of county and city

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properties. Mr. Lloyd stated he does believe the city works well with the county and in this district the county should lower its sign height limit to 25 feet instead of 35 feet. The consensus of the Policy Committee was to lower the sign height limit to 25 feet in the overlay district to match the City of Fayetteville's.

MOTION: Commissioner Evans moved to recommend to the full board in April that the county's sign height limit be lowered from 35 feet to 25 feet in the proposed draft coliseum-tourism overlay district billboard amendment and direct planning staff to coordinate with the city staff to schedule the proposed amendments with their respective Planning Board/Commission.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF ADOPTING AN ORDINANCE REPEALING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE AND ADOPTING A REVISED CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE

BACKGROUND:

Phase II, which incorporated four additional facilities was approved in concept by the Board of County Commissioners on November 18, 2013. In light of the cost involved to update the county code and equity concerns amongst departments, county management has directed for a revised request to be submitted which will amend the request to now incorporate all remaining county owned or leased buildings to be smoke free and for the revisions to be reflected in the ordinance.

RECOMMENDATION/PROPOSED ACTION:

Adopt an Ordinance Repealing Chapter 9.5, Article III. Smoking, of the Cumberland County Code and Adopt a Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code.

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above and responded to questions.

Mr. Wilson stated federal funding from the Community Transformation Grant could be used to purchase smoke-free signs but will run out in September so it would be beneficial to adopt the revised ordinance effective before September 30, 2014.

Commissioner Keefe stated he feels the Civic Center Commission should have the opportunity to approve the smoke-free ordinance because it could affect ticket sales.

Commissioner Edge stated he feels it would be difficult to enforce no-smoking at outdoor recreation facilities. Commissioner Evans stated he would like to see the City of

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Fayetteville adopt the ordinance before the county requires recreation centers to be smoke-free because it may cause confusion.

Rick Moorefield, County Attorney, stated a provision could be written in the ordinance that would give the Civic Center Commission and City of Fayetteville Parks and Recreation the authority to designate smoking areas on those facilities with an effective date of September 1, 2014 to ensure ample time to buy signs with the federal grant money.

MOTION: Commissioner Melvin moved to recommend to the full board approval to adopt an Ordinance Repealing Chapter 9.5, Article III, Smoking, of the Cumberland County Code and Adopt a Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code to include an exception to grant the Civic Center Commission and City of Fayetteville Parks and Recreation the authority to designate a smoking area on those facilities with an effective date of September 1, 2014.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

5. OTHER ITEMS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 11:05 AM



CUMBERLAND
COUNTY
NORTH CAROLINA

**ENGINEERING & INFRASTRUCTURE DEPARTMENT
PUBLIC UTILITIES DIVISION**

**MEMO FOR THE AGENDA OF THE MAY 8, 2014
MEETING OF THE POLICY COMMITTEE**

TO: POLICY COMMITTEE MEMBERS
FROM: JEFFERY BROWN, E & I DIRECTOR
THROUGH: AMY CANNON, INTERIM COUNTY MANAGER
DATE: APRIL 11, 2014

**SUBJECT: APPROVAL OF AN ORDINANCE REGULATING THE USE OF
WATER AND SEWER FACILITIES OPERATED BY THE
COUNTY OF CUMBERLAND**

Requested by: AMY HALL, ADMINISTRATIVE PROGRAM OFFICER

Presenter(s): JEFFERY BROWN, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The purpose of the Ordinance Regulating the Use of Water and Sewer Facilities Operated by the County of Cumberland is to set uniform requirements for all of the Counties water and sewer districts. Currently all of the water and sewer districts have their own set of rules and regulations. A uniform ordinance will also make it easier for the Engineering & Infrastructure Department to apply for funding since water and sewer districts must have an approved ordinance prior to receiving funding

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Policy Committee approve the Ordinance Regulating the Use of Water and Sewer Facilities Operated by the County of Cumberland and place it on the agenda for the May 19, 2014 Board of Commissioners meeting for adoption.

AN ORDINANCE REGULATING THE USE OF WATER AND SEWER FACILITIES OPERATED BY THE COUNTY OF CUMBERLAND; AUTHORIZING THE ESTABLISHMENT OF A SCHEDULE OF RENTS, RATES, FEES AND OTHER CHARGES; AND PROVIDING FOR COLLECTION OF SAME.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY THE FOLLOWING:

ARTICLE I: AUTHORITY AND DEFINITIONS

Section 1. Authority. This ordinance is adopted pursuant to Article 15 of Chapter 153A of the North Carolina General Statutes for the purposes of providing adequate and reasonable rules and regulations to protect and regulate water supply and distribution systems owned or operated by the County of Cumberland; to authorize the establishment of a schedule of rents, rates, fees and charges for the use of the County's water supply and distribution systems and collection of the same; and to provide for enforcement of the ordinance, rules and regulations governing the use of the County's water supply and distribution systems.

Section 2. Definitions. For the purposes of this ordinance, the following terms shall have the meanings set out herein:

Availability Charge. See Section 20(c).

Building is a structure intended for use as a place of habitation, recreation, or gathering for any purpose, including the conduct of business or work, and to which water is supplied for the necessity or convenience of promoting the intended use. Every separate residential or commercial unit in any building containing multiple units shall be considered a separate building.

CCDPU shall mean Cumberland County Department of Public Utilities.

Connection is the part of the sewer service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use.

Consumer is the person legally or equitably responsible for the payment of charges for water service on any premises.

Controlled by is owned, operated or leased by.

County shall mean Cumberland County, the Cumberland County Department of Public Utilities, and any water and sewer district established by the Board of Commissioners of Cumberland County pursuant to Article 6, Chapter 162A of the North Carolina General Statutes.

Cut-Off Valve is a valve used to regulate the water supply to a consumer's premises.

Department shall mean the Cumberland County Department of Public Utilities.

District shall mean any Cumberland County Public Utilities water and sewer district established pursuant to Article 6, Chapter 162A of the North Carolina General Statutes.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Lateral is the portion of the sewer connection that joins the main located in a public street or right-of-way and the point of delivery for service (usually at or near the property line of the applicant).

Main is the water pipe usually laid in a street running parallel to the property line which collects sewer.

May is permissive (see shall).

Minimum Charge. See Section 20(b)(1).

Occupant is the consumer who is actually in possession or control of any premises.

Owner is the person having legal or equitable title to any premises.

Person is an individual, firm, association, partnership or corporation.

Premises mean a lot or parcel or unimproved land; or a parcel of land and the buildings and other structures and appurtenances thereto; or each separate residential or commercial unit on any parcel of land on which multiple residential or commercial units are located.

Rules, Regulations and Specifications are the terms and conditions established by the Cumberland County Board of Commissioners from time to time under which water and sewer is supplied to consumers.

Service Line is a water or sewer line which services a building and which runs from the street to the building being served.

Shall is mandatory (see may).

Standard Size Main refers to an eight-inch diameter sewer main.

State Law means the General Statutes of North Carolina.

Unusual Conditions are any conditions which cause delays in acquiring materials, parts supplies, or providing services, making repairs, making installations or making connections which are encountered in construction activities and other items which might cause delays not under the control of the County.

Usage Charge, See Section 20(b)(2).

ARTICLE II: CONNECTIONS TO THE WATER AND SEWER SYSTEM

Section 3. Water and Sewer Laterals and Tap-on. Water and Sewer laterals will be installed only at the request of the owner or his agent. When the lateral terminates at the property line, the water meter shall not be set and the lateral shall not be used until the owner or his agent applies for service.

Section 4. Connection to Be Made By County Only Upon Application. The construction of water and sewer laterals within the street right-of-way shall be the responsibility of CCDPU. Such construction of laterals and setting of meters shall only be done by CCDPU or its agents or contractors after the receipt and approval of a written application therefore submitted by the owner. The only exception to the foregoing provision is that laterals and meter yokes may be installed by a developer's contractors in new subdivisions in compliance with the Rules, Regulations and Specifications established by the Board of County Commissioners from time to time.

Section 5. Application for Connection.

(a) Every application for a water or sewer service connection shall be made by the owner on forms provided by CCDPU. The following information shall be required on the application:

- (1) name, social security number, date of birth, street address, mailing address, and phone number of owner
- (2) street address or PIN and description of the lot location for which connection is requested
- (3) a copy of any unrecorded plat or the book and page number of any recorded plat
- (4) the number of all types of plumbing fixtures existing or proposed for the building
- (5) the distance from the property line where service comes from the street to the furthestmost point of the building as planned
- (6) the name of the plumber who will do the work

(b) This application shall be filed not less than ten days before the proposed connection is desired. Unusual conditions may be just cause for additional time in providing the services required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the determined cost and shall be issued a permit for the desired connection.

(c) An application for a sprinkler or other fire protection system shall include a certification by a general contractor, plumbing contractor or engineer licensed in North Carolina that the sprinkler or other fire protection system has been designed in compliance with the North Carolina State Fire Code or Building Code as applicable.

Section 6. Disapproval of Application. If, in the opinion of CCDPU through its duly constituted authority, the water or sewer connection applied for will be of such size or character as to put too great a demand on any part of the system and disrupt the County's ordinary water service (500 GPM at 20 PSI residual plus normal service requirements) or sewer service, it shall disapprove the application until such time as adequate means are provided by the applicant to eliminate the unsatisfactory condition. If, at any time, changes are made by a consumer in his service requirements so as to create an unsatisfactory condition in the County's water or sewer service, CCDPU shall require the consumer to adopt remedial measures to eliminate the unsatisfactory condition. The County shall not in any way be responsible for any cost or inconvenience caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

Section 7. County's Responsibility for Connections.

(a) The County may run such service lines from its distribution lines to such property lines as it deems necessary or desirable.

(b) The County may install a water meter or sewer tap at the property line or, at the County's option, on the owner's property or in a location mutually agreed upon.

(c) When two or more water meters or sewer taps 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.

(d) The County does not assume the responsibility of inspecting the owner's piping or apparatus and will not be responsible therefore.

Section 8. Owner's Responsibility for Connections.

(a) Piping on the owner's premises must be so arranged that the connections are conveniently located with respect to the County's lines or mains.

(b) If the owner's piping on the owner's premises is so arranged that CCDPU is required to provide additional meters, each place of metering will be considered as a separate and individual account.

(c) The owner shall provide a suitable place for placing a meter which shall be unobstructed and accessible at all times to the meter reader.

(d) The owner shall furnish and maintain the service line on the owner's side of the main or the owner's side of the meter. The County shall maintain the main line running parallel to the property line which collects the sewer and the service line on the County's side of the meter.

(e) The owner's piping and apparatus shall be installed and maintained by the owner at the owner's expense in a safe and efficient manner and in accordance with the Rules, Regulations and Specifications and in full compliance with all sanitary regulations of any agency of the State.

(f) The owner shall guarantee proper protection for all property, apparatus and equipment controlled by the County and placed on the owner's premises by the County and shall permit access to it only by authorized representatives of the County.

(g) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the owner or his employees, agents, tenants or contractors, the cost of the necessary repairs or replacements shall be paid to the County by the owner and any liability otherwise resulting shall be assumed by owner.

Section 9. Separate Water Sewer Connections Required. Each building shall have a separate water meter or sewer tap, and have a separate water or sewer lateral. In the event that one lateral is used for two dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter; however, separate water meters shall not be required for service to mobile home parks regulated by the County's Subdivision Ordinance or to apartment developments containing ten (10) or more dwelling units under single ownership. For mobile home parks regulated by the County's Subdivision Ordinance and apartment developments containing ten (10) or more dwelling units, one meter shall be used for the entire park or development unless additional meters are deemed necessary by CCDPU and the following conditions shall be met:

- (1) Bills will be rendered to and be the responsibility of the owner and not the individual tenants.
- (2) The bill will be calculated by a minimum charge for the master meter and for each of the total number of units served by the master meter with the usage above the minimum charge calculated on the total consumption passing through the master meter above the minimum; provided however; owners of ten or fewer multiple units may elect to have water metered directly to each unit and the charge therefore billed directly to the user in each unit.
- (3) Should any portion of a mobile home park subject to the County's Subdivision Ordinance or apartment development containing ten (10) or more dwelling units be sold, the owners of each new parcel and the parent parcel shall be responsible to bring their respective parcels into compliance with this section.
- (4) In the case of groups of mobile homes not regulated by the County's Subdivision Ordinance or apartment developments containing less than ten (10) dwelling units in single ownership,

the owner may elect to have a single meter used for the entire project. Where such election is made, the owner shall comply with the conditions set forth in this section.

Section 10. Provision of Cut-off Valve.

(a) All connections to a water supply and distribution system owned or operated by the County shall require the installation of a cut-off valve of a minimum size of 3/4 onto the service line running from the meter box to the premises or building at the cost of the owner. This cut-off valve shall be located within twelve (12) inches of the connection of the consumer's service line to the meter box.

(b) The requirements of this section shall be in addition to the minimum requirements of the North Carolina State Building Code regarding plumbing and placement of cut-off valves and not in substitution thereof.

Section 11. Maintenance of Meters and Connections. All meters and water laterals shall be maintained by CCDPU at the County's expense.

Section 12. Connection Privilege. The County may give a privilege for early connection to the water or sewer system to any owner as the water or sewer mains are installed. From time to time, the County may give privileges for connections at reduced amounts in order to encourage additional hookups to increase revenue.

Section 13. Sprinkler Connections. Connection to the system for service to sprinkler systems to provide fire protection may be secured upon application and payment of all charges involved in making the connection. Charges for sprinkler connections and service shall be established in the Rules, Regulations and Specifications. No service other than for fire protection shall be tapped on to or taken from a sprinkler system.

Section 14. Connection of Newly Constructed Buildings. The connection to the County's water or sewer system of buildings constructed after the adoption of this ordinance on parcels of land that are subject to the County's Subdivision Ordinance shall be governed by the requirements of the County's Subdivision Ordinance.

ARTICLE III: CONDITIONS FOR THE PROVISION OF SERVICE

Section 15. Procedures for the Provision of Service.

- (a) Service will be supplied only to those who apply.
- (b) Owners or consumers will make application for service, in person, at CCDPU and at the same time make the deposit guarantee required by this section as set out in the Rules, Regulations and Specifications.
- (c) Deposits shall not accrue interest.
- (d) Owners with no established utility accounts must provide CCDPU with a deed or purchase agreement for the property where service is requested. All other consumers must provide CCDPU with a copy of a rental or lease agreement for the property where service is requested.

- (e) CCDPU may reject any application for service not available under a standard rate, which involves excessive service cost, which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (f) CCDPU may reject any application for service when the applicant has any outstanding balance due CCDPU for services supplied by CCDPU at any other location. It is further provided that if the owner of the premises for which service is being applied has an outstanding account balance due CCDPU for service at that location, CCDPU shall not provide service to anyone else at the same location until the delinquent account has been paid.
- (g) The person or persons in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (h) A separate deposit is required for each service connection requested.
- (i) The deposit receipt is not negotiable and can be redeemed only by CCDPU.
- (j) The deposit balance remaining after settlement of the account associated with the deposit shall be refunded in accordance with the Rules, Regulations and Specifications.
- (k) CCDPU shall refuse service to and disconnect any premises at which it is determined the owner's lines or piping are cross-connected to any other water supply or are not installed in such manner as to prevent backflow.

Section 16. No Guarantee of Quality, Quantity or Pressure of Water Supply or Liability for the Same.

(a) The County does not guarantee the quality, quantity or pressure of its water supply. It is hereby made a condition of the terms on which the County furnishes water to any consumer that the County shall not be liable to any consumer for any defect of quality or any deficiency in quantity or pressure; shall not be liable to any consumer for damages resulting from the complete or partial cutting off of water; and shall not make any deduction from any water bill by reason of any such defect or deficiency. No employee, agent or contractor of the County shall have authority, or take responsibility, for advising an owner or consumer how best to care for his boiler, heater or other equipment or property which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or consumer shall be entirely responsible for his equipment and property and shall not hold the County or any of its employees, agents or contractors responsible for damage thereof due to the discontinuance of water supply.

(b) The County 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 County. The County 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 County shall not be responsible for negligence of third persons or forces beyond County's control resulting in any interruption of service.

(c) Under normal conditions, the consumer will be notified of any anticipated interruption of service provided that the County shall not be liable for damage of any kind whatsoever resulting from the interruption of service or the failure to notify of any interruption of service.

Section 17. Access to Premises. The employees, agents, and contractors of CCDPU shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing property controlled by the County, inspecting piping, reading or testing meters, or for any other purpose in connection with the County's service and facilities.

Section 18. Suspension of Service.

(a) Service may be discontinued at the request of a consumer. The deposit balance associated with any account for which discontinuance of service is requested shall be refunded in accordance with the Rules, Regulations and Specifications. The minimum charge shall continue to accrue to each location at which service is discontinued by the consumer and shall be the responsibility of the owner of the premises.

(b) Service may also be discontinued by CCDPU to any consumer whose account remains delinquent for more than ten (10) days. The deposit associated with the account will be applied by CCDPU toward settlement of the account. Any balance will be refunded to the consumer in accordance with the Rules, Regulations and Specifications. The minimum charge shall continue to accrue to each location at which service is discontinued by CCDPU and shall be the responsibility of the owner of the premises.

(c) An owner may have a service discontinued for vacant rental property. While the service is suspended, the minimum charge shall continue to accrue to each location at which service is discontinued by the owner and shall be the responsibility of the owner.

(d) Service discontinued for non-payment of bills will be restored, at the request of the consumer, only after all outstanding bills and charges are paid, and all service or reconnection charges are paid in accordance with the Rules, Regulations and Specifications. The consumer being reconnected must also make any additional deposit in accordance with the Rules, Regulations and Specifications.

(e) After a service has been discontinued for a period of twelve (12) consecutive months, CCDPU may disconnect and remove the meter and all connection apparatus for use elsewhere or for storage. Upon such disconnection and removal of the meter and connection apparatus, the availability charge shall commence to accrue at any such location.

(f) At any time after the disconnection and removal of the meter and connections apparatus, in addition to the service charge set forth in subsection (d) above, an additional service charge equal to the then current tap-on-fee shall be paid as a reconnection fee. Also, any additional deposit must be made as may be required by the Rules, Regulations and Specifications.

(g) The County reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Due to a consumer's willful disregard of this Ordinance or the Rules, Regulations and Specifications;
- (3) To make emergency repairs;
- (4) Due to insufficiency of supply due to circumstances beyond the County's control;
- (5) Pursuant to legal processes or proceedings;
- (6) At the direction of public authorities; and
- (7) Due to strike, riot, fire, flood, accident, or any unavoidable cause.

(h) The County may, in addition to prosecution by law, permanently refuse service to any Consumer who tampers with a meter or other measuring device.

ARTICLE IV: CLASSIFICATIONS, RATES, CHARGES, FEES AND BILLING

Section 19. Classifications, Rates, Charges and Fees.

(a) The following classifications are adopted:

- (1) A residential service is a service requiring a meter size up to and including one inch.
- (2) A commercial service includes all businesses, regardless of meter size, and all other meters greater than one inch.

(b) The following rates or charges are adopted to apply to all consumers and/or owners and premises, as applicable, connected to the County's water or sewer system, and shall be in the amounts established in the Rules, Regulations and Specifications from time to time:

- (1) A minimum charge for all customers including those with zero usage which shall be a flat rate periodic service charge to cover the cost of operations and maintenance, debt service, and administrative overhead; and
- (2) A usage charge which shall be a periodic service charge to the consumer or owner for any meter at any premises for usage of and shall only apply to water actually used on the premises or sewer treatment services.

(c) An availability charge shall be a periodic availability charge accruing each billing period to the owners of all parcels of property to which a County water or sewer line has been made directly available, but which have elected not to connect to the County water or sewer system, and shall be in the amount established in the Rules, Regulations and Specifications from time to time. The availability charge shall not be an amount greater than the minimum charge established for connected customers and shall be applied as follows:

- (1) For developed property on which there are situated one or more buildings, an availability charge shall be applicable to each such building for which a minimum charge would be required if the premises was connected to the County's water or sewer system.
- (2) For any undeveloped parcel that would qualify for the issuance of a building permit for the construction of one or more buildings, a single availability charge shall apply regardless of the size of the parcel.

(d) The following charges and fees are adopted and shall be in the amounts established in the Rules, Regulations and Specifications from time to time:

- (1) Lateral fee;
- (2) Tap-on fee;
- (3) Late payment fee;
- (4) Cut-off fee;
- (5) Cut-on fee;
- (6) Disconnect fee;
- (7) Reconnect fee;
- (8) Meter test fee;
- (9) Fire protection systems fees; and
- (10) Application fees.

Section 20. Change of Occupancy. Not less than three days' notice must be given in person or in writing to discontinue service for a change in occupancy. Such notice shall be given to the office location designated by CCDPU. The outgoing consumer shall be responsible for all sewers treated up to the time of departure or the time specified for departure, whichever period is longest. The owner shall be responsible for the minimum charge during any period of vacancy of a rental unit or during any period of vacancy while a premise is listed for sale.

Section 21. Billing Disputes.

(a) If a consumer believes his bill to be in error, he shall present his claim, in person, to the office designated by CCDPU before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing suspension of service as provided in section 19(b). The consumer may pay such bill under protest, and said payment shall not prejudice his claim.

(d) No modification of rates or any of the rules and regulations shall be made by any employee, agent or contractor of the County.

Section 22. Late Payment Fees.

(a) When a consumer shall have failed to pay his account by the due date set forth on his bill, a late payment fee shall be imposed upon him and the amount of such fee shall be added to the balance due. The amount of the late payment fee provided for in this section shall be as established in the Rules, Regulations and Specifications. A consumer shall have failed to pay his account when the full amount charged to him for service supplied as stated on his bill has not been paid over to and received by the office designated by CCDPU by 5:00 p.m. on the due date set forth on the bill.

(b) The bill which shall be mailed to a consumer setting forth the charges due for services supplied, shall state the due date, the amount of the bill if paid by the due date, the amount of the bill if paid after the due date and shall further state that if payment is not made by the due date that the late payment fee will be charged.

Section 23. Extensions. Extensions proposed by property developers shall be allowed subject to the following conditions:

- (1) The design of the extension and installation of all lines, piping and apparatus shall comply with the Rules, Regulations and Specifications and all applicable local codes and ordinances and state regulations and laws.
- (2) Any extension must be approved by, and shall be subject to any additional conditions imposed by, the Board of County Commissioners.
- (3) Any such extension shall be at the cost of the developer and shall be owned and operated by the County as part of the County's water system upon acceptance of the extension by the Board of County Commissioners.

Section 24. Severability. If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect.

Section 25. Conflicts with Other Ordinances. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such

inconsistency or conflict. This ordinance shall take effect and be in full force from and after its lawful adoption.

Section 26. Enforcement.

- (a) Any violation of any provision of this ordinance which is also a criminal violation under State law shall be prosecuted under the State law.
- (b) Any violation of this ordinance which is not a violation of State law shall be a Class III misdemeanor punishable by a maximum fine of \$500 and a sentence of not greater than 20 days.
- (c) In addition to any prosecution in criminal court, the County may take civil action against any violator of this ordinance to enjoin or abate any unlawful activity or condition or for damages.

Section 27. Nonpayment. The County will take the following steps to collect past due payments from the customers:

- (a) Send delinquent notice to the customers.
- (b) Submit account to the N.C. Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
- (c) Seek a judgment in Cumberland County Small Claims court.
- (d) Disconnect utilities. Sewer disconnections will render the residence uninhabitable

Adopted by the unanimous vote of the Cumberland County Board of Commissioners upon a first reading at the regular meeting held _____.