

Water and Sewer Districts



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Ordinance of the Public Utilities Division

Contents

ARTICLE I: AUTHORITY AND DEFINITIONS..... 1

 Section 1. Authority..... 1

 Section 2. Definitions..... 1

ARTICLE II: CONNECTIONS TO THE WATER AND SEWER SYSTEM 2

 Section 3. Water and Sewer Laterals and Taps..... 2

 Section 4. Connection to Be Made By County Only Upon Application 2

 Section 5. Application for Connection 2

 Section 6. Disapproval of Application..... 3

 Section 7. County's Responsibility for Connections..... 3

 Section 8. Owner’s Responsibility for Connections 3

 Section 9. Separate Water and Sewer Connections Required..... 4

 Section 10. Provision of Cut-off Valve..... 4

 Section 11. Maintenance of Meters and Connections..... 5

 Section 12. Connection Privilege 5

 Section 13. Sprinkler Connections..... 5

 Section 14. Connection of Newly Constructed Buildings 5

 Section 15. Connection of Existing Structures after Water or Sewer is Available 5

 Section 16. Prohibited Activities 5

 Section 17. Cross-Connections..... 6

ARTICLE III: CONDITIONS FOR THE PROVISION OF SERVICE 6

 Section 18. Procedures for the Provision of Service 6

 Section 19. No Guarantee of Quality, Quantity or Pressure of Water Supply or Liability for the Same 7

 Section 20. Access to Premises 8

 Section 21. Suspension of Service 8

ARTICLE IV: CLASSIFICATIONS, RATES, CHARGES, FEES AND BILLING..... 9

 Section 22. Classifications, Rates, Charges, Fees and Billing..... 9

 Section 23. Change of Occupancy 10

 Section 24. Billing Disputes 10

 Section 25. Late Payment Fees..... 11

 Section 26. Extensions 12

 Section 27. Severability..... 12

 Section 28. Enforcement..... 12

 Section 29. Nonpayment 12

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 22(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 Division 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 Division 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 Division 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 a water pipe or sewer line usually laid in a street running parallel to the property line.

May is permissive (see shall).

Minimum Charge. See Section 22(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.

Rate Schedule is the current rates all customers will be billed currently in effect and approved by the Board of Commissioners of Cumberland County and are specific to each water and sewer district.

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 22(b)(2).

ARTICLE II: CONNECTIONS TO THE WATER AND SEWER SYSTEM

Section 3. Water and Sewer Laterals and Taps. 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.
- e) The County reserves the right to require payment for any service line extending more than immediately adjacent and parallel to the main at the actual cost of installation of the added line; this is in addition to the tap-on fee hereto specified.

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 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 County's rules and regulations and in full compliance with all water or 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. The amount of such loss or damage or the cost of repairs shall be added to the customer's bill; and if not paid, services may be discontinued by the County.

Section 9. Separate Water and 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:

- a) Bills will be rendered to and be the responsibility of the owner and not the individual tenants.
- b) 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.
- c) 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.
- d) 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 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.

Before connection to an existing main all availability fee charges or debt service charges which would have accrued had the connection been made when the main was available to connect must be paid in full.

Section 13. Sprinkler Connections. Connection to the system for service to sprinkler systems to provide fire protection may be secured upon application of the customer and upon payment of all charges involved in making the connection. No service other than for fire protection shall be tapped on to or taken from a sprinkler system. For sprinkler connections to the system the customer shall pay annual charges based on the following schedule:

<u>SIZE</u>	<u>FEE</u>
6 inch sprinkler connection	\$250.00
8 inch sprinkler connection	\$400.00
12 inch sprinkler connection	\$700.00

Section 14. Connection of Newly Constructed Buildings. Any new construction requiring a building or zoning permit will be required to connect to any County controlled water main or gravity sewer main located within 300 feet of the structure.

Section 15. Connection of Existing Structures after Water or Sewer is Available. When the property is subject to any of the following, mandatory connection will be required:

- a) A failed septic system
- b) Damaged septic system requiring permit to repair
- c) As directed by the Cumberland County Environmental Health Department
- d) As directed/ordered by a court of proper jurisdiction
- e) Where property has made connection to the Cumberland County Water System, it cannot be connected back to an individual source of potable water supply (well).
**International Plumbing Code 602.3 Individual water supply.

Section 16. Prohibited Activities:

A customer shall not:

- 1) Supply or sell water from the County's system to other persons or carry water away from any hydrant or other such public outlet
- 2) Manipulate, tamper with, or harm in any manner whatsoever any water line, main or appurtenance or any other part of the water system; per G.S. 14-151.1

- 3) Tamper with the water meter so as to alter the true reading for the amount of water consumed; per G.S. 14-151.1
- 4) Attach or cause to be attached any connection to the water line before the water meter; and
- 5) Knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the ordinance.
- 6) Discharge or cause to be discharged any pollutant or wastewater into the Publicly Owned Treatment Works (POTW), directly or indirectly, which will interfere with the operation and/or performance of the POTW or cause pass through. These general prohibitions apply to all users of the POTW whether or not the user is a Significant Industrial User or subject to National Categorical Pretreatment Standards or any other National, State or Local pretreatment standards or requirements.
- 7) Discharge storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the County.

Section 17. Cross-Connections

- a) No part of the County's water system shall be connected by any means to another source of water or to a storage facility unless such connection has been authorized by official action of the Board of County Commissioners. No connection shall be made to any plumbing system that does not comply with the North Carolina State Building Code, volume II, or any applicable local building code.
- b) No person shall introduce any water into the distribution system of a public water supply through any means other than from a source of supply duly approved by official action of the Board of County Commissioners, or make a physical connection between an approved supply and an unapproved supply unless authorized in an emergency by official action of the Board of County Commissioners.
- c) A completely separate plumbing system using water from another source may be maintained for irrigation purposes upon the owner providing CCDPU with a certification from a plumber licensed in the State of North Carolina that the separate system is not cross-connected with the County's water system.
- d) All connections to the Cumberland County Water System shall be in compliance with the North Carolina Administrative Code, Title 15A, Subchapter 18C, .0406(b) Cross-Connections and Appendix B, Fig. 2. Any connections found to be in violation shall be disconnected.

ARTICLE III: CONDITIONS FOR THE PROVISION OF SERVICE

Section 18. 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 in the rate schedule.
- 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) All sanitary sewer flat rate charges and/or availability fees will be the responsibility of the property owner.
- f) 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.
- g) 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.
- h) 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.
- i) A separate deposit is required for each service connection requested.
- j) The deposit receipt is not negotiable and can be redeemed only by CCDPU.
- k) No refunds of the deposit will be authorized without request for discontinuance of service and all bills are paid for through date of discontinuance.
- l) 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 19. 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 their boiler, heater or other equipment or property which is affected by the discontinuance, either temporary or permanent, of their water supply. The owner or consumer shall be entirely responsible for their 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 the 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 20. Access to Premises. Duly authorized agents of the County shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing County property, inspecting piping, reading or testing meters, or for any other purpose in connection with the County's service and facilities. Each customer shall grant or convey or shall cause to be granted or conveyed to the County a perpetual easement and right of way across any property owned or controlled by the customer wherever said perpetual easement and right of way is necessary for the County water facilities and lines in order to furnish service to the customer.

Section 21. 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 accordance with Section 16. 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 if payment of bill is not received in the Public Utilities Division office by the 24th of the same month. It is not our policy to call customers prior to disconnection of service. In order to maintain fairness to all our customers, we cannot give extensions on bills. 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 Section 16. 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 rate currently in effect and approved by the Board of Commissioners of Cumberland County. The consumer being reconnected must also make any additional deposit in accordance with Section 16.
- e) After a service has been discontinued for a period of twelve (12) consecutive months, CCDPU may disconnect and remove the meter and connection apparatus for use elsewhere or for storage. Upon such disconnection and removal of the meter and connection apparatus, the minimum 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 in accordance with Section 16.
- 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, the County's rules and regulations, and in full compliance with the regulations of the State
 - 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
 - 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 22. Classifications, Rates, Charges, Fees and Billing.

- 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 rate schedule currently in effect and approved by the Board of Commissioners of Cumberland County:
 - 1) A minimum charge for all customers including those with zero usage which shall be a periodic service charge to cover the cost of operations and maintenance, debt service, basic facilities charges and administrative overhead
 - 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 rate schedule currently in effect and approved by the Board of Commissioners of Cumberland County. 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 rate schedule currently in effect and approved by the Board of Commissioners of Cumberland County:
 - 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) Returned check fee
- 10) Deposit
- 11) Court Costs
- 12) Elder Valve
- 13) Debt Charge
- 14) Administrative fee
- 15) Maintenance fee
- 16) Fire protection systems fees
- 17) Application fees.

e) Meters will be read and bills rendered as follows:

- 1) Meters will be read once per month and bills mailed once per month; but the County reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
- 2) Bills for water will be figured in accordance with the County's published rate schedule then in effect and will be based on the water consumed for the period by the meter readings.
- 3) Charge for service commences when meter is installed and the County's connection made, whether used or not. If not used, the customer will be charged the minimum rate each month.
- 4) Readings from different meters will not be combined for billing, even if said meters may be for the same or different premises, or for the same or different customer, or for the same or different services.
- 5) Bills are due the 10th of each month and become delinquent thereafter, whereupon the late penalty currently in effect will be added to the account. If bill is not paid by the 24th of the same month, the County may discontinue service.
- 6) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

Section 23. 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 metered water and sewer 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 24. Billing Disputes.

- a) If a consumer believes their bill to be in error, they shall present their 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. The Adjustment Policy follows:
 - 1) Circumstance may arise where high water consumption occurs due to events beyond a customer's control. Upon a customer's request, CCDPU will review the facts and consider a billing adjustment on a case-by case basis. Adjustments are limited to one occurrence in a twelve month period per customer account or location. Adjustment requests shall be submitted to the Public Utilities staff at

130 Gillespie Street, Room 214, Fayetteville, NC 28301.

- 2) The customer must have been out of town at the time of the leak or the leak must not have been readily evident to a reasonable person (ex.: underground [excluding irrigation], inside a wall or concealed location, crawlspace.).
 - 3) The minimum charge (basic facility fees, O&M, debt service) still applies.
 - 4) Proper documentation that the leak has been repaired or corrected must accompany the adjustment request (receipt for parts, contractors invoice, etc.).
 - 5) The utilities management staff, at their discretion, shall be authorized to adjust late fees and penalties for customers who are in good standing and have no history of late payments or disconnects.
 - 6) Adjustments for sewer will only be allowed if the water used did not go into the sewer system (ex.: outside spigot, underground pipes, filling a pool).
 - 7) Adjustments will not be made for water loss associated with irrigation systems.
 - 8) Adjustments will apply to no more than 2 consecutive billing cycles.
 - 9) Adjustments will not be made for premises left abandoned or vacated without reasonable care for the plumbing system.
 - 10) Adjustments will not be made for homes under construction or renovation.
- b) No modification of rates or any of the rules and regulations shall be made by any employee, agent or contractor of the County. This can be done only by the Cumberland County Board of Commissioners.
 - c) The County will make special meter readings at the request of the customer for a “Special Meter Reading Fee” provided, however, that if such special reading discloses that the meter was over-read, no charge will be made.
 - d) Meters will be tested at the written request of the customer upon payment to the County of the actual cost to the County of making the test provided; however, if the meter is found to over-register beyond five percent (5%) of the correct volume, no charge will be made.
 - e) If the seal of a meter is broken by anyone other than the County’s representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from other proper data.
 - f) The calculation for water consumption if the meter fails to register correctly or is stopped for any cause shall be calculated on the average gallons used of the three (3) preceding months.
 - g) The calculation for high water consumption due to a leak shall be reduced by 50% of the gallons used for that billing cycle.
 - h) The calculation for sewer treatment shall be calculated on the average gallons used of the three (3) preceding months.

Section 25. Late Payment Fees.

- a) When a consumer shall have failed to pay his account by the 10th of each month, 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 rate schedule currently in effect and approved by the Board of Commissioners of Cumberland County. 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 pm on the due date set forth in the ordinance.

- 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, and shall further state that if payment is not made by the due date that the late payment fee will be charged.

Section 26. Extensions. Extensions proposed by property developers shall be allowed subject to the following conditions:

- a) The design of the extension and installation of all lines, piping and apparatus shall comply with the rules currently in effect and approved by the Board of Commissioners of Cumberland County, all applicable local codes and ordinances, the current service provider, and State regulations and laws.
- b) Any extension must be approved by, and shall be subject to any additional conditions imposed by, the Board of County Commissioners, the current service provider and State regulations and laws.
- c) 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 or sewer system upon acceptance of the extension by the Board of County Commissioners.

Section 27. 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 28. 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 29. 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.

Until further notice of the Board of Commissioners of the County of Cumberland, the rules and regulations hereinabove set out, are hereby adopted as of the date hereof to become effective on and after June 16, 2014.

COUNTY OF CUMBERLAND
BOARD OF COMMISSIONERS

BY: _____
Jeannette M. Council, Chair

Attest:

Candice H. White, Clerk