

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE, TRASH AND REFUSE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEBRIS. Tree limbs, bush and grass clippings, leaves, wood, bricks, ashes, furniture, appliances and the like.

GARBAGE. The organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals and the like, comprising chiefly waste food and not including liquid that may be drained into the sewer. **GARBAGE** includes tin cans, glass containers and bottles, paper and paper boxes.

RUBBISH. Floor sweepings, sawdust, oyster or clam shells, old boots and shoes, discarded clothing and all similar waste material that ordinarily collects from a house or business.
(`88 Code, § 9-1)

§ 50.02 GENERAL POLICY OF CITY.

It is the policy of the city to provide efficient and equitable sanitation department service to all areas of the city within the corporate limits, to afford the service to all users on as nearly an equitable basis as possible and to charge a fair and reasonable fee to all service users.
(`88 Code, § 9-2)

REGULATIONS

§ 50.20 DISCARDING OR DISPOSAL OF TRASH ON PRIVATE PROPERTY.

It shall be unlawful for any person, firm or corporation to place, discard, dispose of or leave any trash, refuse or garbage upon private property located within the city limits without the consent of the owner, occupant or lessee thereof. The placing, discarding, disposing or leaving of the articles forbidden by this section shall, for each day or portion thereof of the articles or matter are left, constitute a separate offense, punishable as provided in § 10.99. ('88 Code, § 9-3) Penalty, see § 10.99

§ 50.21 TRANSPORTING GARBAGE INTO CITY FOR DEPOSITING.

It shall be unlawful for any person to haul or carry any garbage, refuse or debris into the city from outside the city and leave or deposit such garbage, refuse or debris within the city. ('88 Code, § 9-4) Penalty, see § 10.99

§ 50.22 RECEPTACLES FOR GARBAGE AND RUBBISH.

(A) Required type and size.

(1) It shall be the duty of every person owning, managing, operating, renting or occupying any dwelling, business, building or other place where garbage or rubbish accumulates or is produced to provide receptacles for all such garbage and rubbish placed for removal by the Public Works Department.

(2) Residential receptacles shall be made substantially of metal or polyethylene and provided with a tightfitting cover and strong handles. The covers shall be kept on the receptacles at all times except when the receptacles are being filled or emptied. Receptacles shall be as approved by the Sanitation Superintendent. A sufficient number of such receptacles to hold the quantity of garbage or rubbish accumulated shall be provided. All receptacles, at all

times, must be so constructed and maintained, and so covered, as to prevent the entrance of flies.

(3) Properly sized bulk containers for garbage and rubbish collection as may be designated by the Sanitation Supervisor or his or her agent shall be provided by all commercial and industrial establishments, including businesses, tenants and other high-density residential developments, schools, churches, clubs or any other location where the use of such containers may be considered to be advantageous to the general welfare of the city for reasons of health, sanitation, economy or appearance. The term "bulk container" shall mean a metal container not less than four nor more than eight cubic yards in volume, that is watertight, of all steel construction and that has doors constructed to permit emptying by city vehicles. Roll-out containers may be utilized with the approval of the Sanitation Superintendent. The containers shall be of standard design suitable for pickup by the city vehicles and approved by the Supervisor of the Sanitation Department or his or her agent.

(4) The city shall not be responsible for the removal of any garbage and rubbish which is not placed in the receptacles or bulk containers provided for in this chapter. ('88 Code, 9-5)

(B) *Location.* It shall be the duty of every person residing in a residence and every owner, manager, renter, operator or occupant of a commercial or industrial establishment to see that all garbage and rubbish receptacles and the contents, set out for removal by the City Sanitation Department, are placed at such location as may be specified by the Sanitation Supervisor. ('88 Code, § 9-6)

(C) *Unauthorized use.* No person shall place any garbage, refuse or debris in any receptacle owned by another person without the consent of the owner or agent. No person residing outside the city limits shall place any garbage, refuse or debris in any receptacles serviced by the City Sanitation Department, except those receptacles placed on public streets or rights-of-way for use by the public. ('88 Code, § 9-7)

(D) *Handling and treatment.* Garbage, refuse and debris collectors shall exercise every reasonable

care in handling of garbage and other receptacles provided for in this chapter and shall not willfully break, deface or damage the receptacles. ('88 Code, § 9-8)

Penalty, see § 10.99

§ 50.23 BURNING IN RECEPTACLE OR BULK CONTAINERS.

It shall be unlawful for any person to burn any matter in garbage or rubbish receptacles or bulk containers.

('88 Code, 9-9) Penalty, see § 10.99

§ 50.24 CLEANING OF RECEPTACLES ON PUBLIC PROPERTY.

No garbage receptacles shall be cleaned on public property except under supervision of the Sanitation Supervisor, and no residual garbage or refuse from the cleaning of garbage receptacles shall be allowed to drain into a public gutter, street, sidewalk or storm sewer or into a constantly or intermittently flowing stream or stream bed.

('88 Code, § 9-10) Penalty, see § 10.99

§ 50.25 LIQUID OR SEMILIQUID MATTERS NOT TO BE COLLECTED OR PLACED IN CONTAINERS.

No liquid or semiliquid matter will be collected by the city, nor shall such matter be put in containers placed for removal by the City Sanitation Department.

('88 Code, § 9-11) Penalty, see § 10.99

§ 50.26 GARBAGE AND REFUSE COLLECTION.

(A) *Residential.* It shall be the intention of the city to provide collection service for garbage and refuse to every residence in the city on a twice-a-week basis; provided, however, that weeks in which holidays observed by city employees occur, collection service may be less than twice a week but shall be no less than once a week. ('88 Code, § 9-12)

(B) Commercial and industrial.

(1) It shall be the intention of the city to provide garbage and refuse collection service to all retail, wholesale, commercial and industrial establishments within the city on the basis of a maximum of three collections per week for those establishments using bulk 32 gallon receptacles or roll outs; provided, however, that during weeks in which a holiday observed by city employees occurs, the collection may be less than three times a week but shall not be less than two times a week for containers and one time a week for receptacles.

(2) Services to retail, wholesale and commercial establishments shall be limited to four 32 gallon receptacles or two roll outs, collected two times a week or to two bulk containers collected three times a week.

(3) Properly sized bulk containers or roll outs for garbage and refuse collection may be designated by the Sanitation Supervisor or his or her agent for any retail, wholesale, commercial or industrial establishment when it is found that four 32 gallon receptacles are not sufficient to hold all the garbage and refuse which will be collected on a two-times-a-week basis. If it is found that due to limited space, bulk containers are impractical or impossible to use, the city will consider alternate methods of removing all garbage or waste from the site. It shall be the duty of the Sanitation Supervisor to confer with the establishments involved and to work out a satisfactory solution.

('88 Code, § 9-13)

§ 50.27 COLLECTION OF DEBRIS.

(A) *Residential.* It shall be the intention of the city to provide collection service for debris to every residence in the city on a once-a-week basis; provided, however, that weeks in which holidays observed by city employees occur, collection service for debris may not be provided. ('88 Code, § 9-14)

(B) *Commercial and industrial.* It shall be the intention of the city to provide debris collection service to commercial and industrial establishments

within the city on a once-a-week basis; provided, however, that weeks in which a holiday observed by the city employees occurs, the collection may not be provided. ('88 Code, § 9-15)

§ 50.28 PREPARATION OF BOXES AND THE LIKE.

Those persons owning, managing, operating, renting or occupying any residential, commercial or industrial establishment which generates large quantities of trash shall be required to reduce the size of cardboard boxes, paper containers, wooden boxes and crates and other such objects larger than 18 inches in width, depth or height so that such objects are as nearly flat as possible.
('88 Code, § 8-16)

§ 50.29 PREPARATION OF DEBRIS.

(A) All tree limbs and trunks shall be cut into pieces not exceeding six feet in length and placed neatly in a pile. No individual piece shall exceed 50 pounds in weight. All trimmings, shrubbery and the like shall be cut into pieces not exceeding six feet in length. All grass cuttings, garden plants, corn shucks, pine straw and the like shall be placed in portable containers with a capacity of not less than five nor more than 32 gallons; the combined weight of debris and container shall not exceed 50 pounds. Leaves may be placed for collection in loose piles at curbside. ('88 Code, § 9-17)

(B) All debris placed for removal by the city shall be placed within the parkway strip between the curb and the sidewalk at the front of the premises; provided, however, that where there is no sidewalk and curb, the debris shall be placed at the front of the premises reasonably adjacent to the street. When a lot abuts two or more public streets, debris may be placed along the frontage of any of the streets the lot abuts in a similar manner as set forth above. No debris shall be placed in any street, gutter, canal, ditch or drainageway or upon any sidewalk in the city. ('88 Code, § 9-18)
(Ord. 0-85-3, passed 6-11-85)

§ 50.30 PREPARATION AND DISPOSITION OF TIRES.

All tires shall be cut along the center of the tread so that they are halved and all tubes shall be sufficiently severed so as to make them incapable of containing air. The tires and tubes shall be placed in the containers required by § 50.23.
('88 Code, § 9-19)

§ 50.31 COLLECTION CHARGES.

For the service of collecting and hauling of garbage and rubbish, the owner or occupant of each premises from which garbage and rubbish is collected by the city shall be charged such rates as may be established, from time to time, by the City Council. The charges shall be considered a debt owing to the city from the owner or occupant of such premises and shall be billed to the owner or occupant along with the bill for other utility services.
('88 Code, § 9-20)

§ 50.32 TRANSPORTING GARBAGE OR ORGANIC MATERIAL.

It shall be unlawful for any person to haul or have hauled, carried or transported any garbage or wet or perishable malodorous material of organic origin on any street within the city, except in metal containers, covered vessels or liquid-type containers with tight-fitting covers, all of which shall be devoid of any drain tubes or drainage pipes or other features which will release drainings, waste, seepage or washings from the container on the public roads, streets or property over which the transport is being moved.
('88 Code, § 9-21) Penalty, see § 10.99

§ 50.33 DUMPING OF GARBAGE AND THE LIKE IN THE CITY.

It shall be unlawful for any person to dump garbage or offensive or disease-producing materials in or on any lot, space, street right-of-way and the like within the corporate limits of the city.
('88 Code, § 9-22) Penalty, see § 10.99

§ 50.34 LITTERING.

It shall be unlawful for any person to throw, drop, cast or deposit upon any yard or premises or street, public or private, any garbage, trash, rubbish, debris or filth of any kind. The material shall be accumulated as specified in this chapter and placed in proper containers set in their respective locations as provided in this chapter.

(`88 Code, § 9-23) Penalty, see § 10.99

Statutory reference:

Littering, see G.S. § 14-399

§ 50.35 THROWING DIRT OR REFUSE AND THE LIKE INTO STREET, SIDEWALK OR GUTTER.

It shall be unlawful for any person to throw, deposit, sweep or rake into any street, sidewalk or gutter any leaves, trash, filth, rubbish, broken glass, tin cans, fruit peelings, refuse or ashes or waste or loose paper. The material shall be accumulated as specified in this chapter and placed in its respective place or proper receptacle as provided in this chapter.

(`88 Code, § 9-24)

§ 50.36 LARGE ACCUMULATIONS OF GRASS, HAY, BUILDING REFUSE AND THE LIKE.

All large accumulations of grass or hay or materials left from paper hanging, building construction and repairing and other such labors, and all large accumulations of tree limbs or trimmings, shrubbery and the like shall be removed by the contractor or owner of the premises where it may be located at his or her own expense; provided, that the owner or person responsible for the removal of the accumulation may make application to the Sanitation Supervisor who may, if there is sufficient manpower and time available, have the city remove the accumulation at the expense of the owner or occupant of the premises. The charge for the service shall be determined by the Sanitation Supervisor.

(`88 Code, § 9-25)

§ 50.37 REMOVAL OF IMPROPER CONTAINERS BY COLLECTORS.

The city garbage collectors may remove any box, pail or wooden or metallic receptacle that is set out for collection, but that does not meet the standards set forth in § 50.22. Nonstandard receptacles so removed shall not be returned to the owner.

(`88 Code, § 9-26)

§ 50.38 PICKING THROUGH CONTENTS OF CONTAINERS.

No person shall pick through, handle or interfere with the contents of any container set out for removal.

(`88 Code, § 9-27) Penalty, see § 10.99

§ 50.39 VACANT PROPERTY TO BE KEPT CLEAN; ENFORCEMENT.

All persons owning vacant property within the city limits shall maintain such property free and clear of trash, garbage, high weeds, vines or high shrubbery to the extent that the materials shall not be a menace to health, sanitation, fire safety or traffic. Owners violating the terms of this section shall be notified in writing of the violation by the city department of inspection. If at the end of 15 days from the date of receipt of notice by the owner the violations have not been corrected, employees of the city may make the corrections and cleanup as required. The expenses involved shall be charged as a lien against the property and shall be collected as unpaid taxes.

(`88 Code, 9-28)

Statutory reference:

Abatement of public health nuisances, see G.S. § 160A-193

CHAPTER 51: UTILITIES

Section

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GENERAL PROVISIONS

§ 51.001 EXPANSION OF UTILITIES SHOWN IN SKETCH.

All utilities considering expansion shall furnish the city, in advance, a rough sketch showing the proposed expansion for the City Council's approval before the work is begun; provided, any deviation from original plan shall be approved by the City Council or its duly authorized representative.
(`88 Code, § 21-1)

§ 51.002 WATER SYSTEM CONTROLLED BY UTILITIES DIRECTOR.

The waterworks system owned by the city shall be under the control of the Utilities Director and his or her authorized agents subject to the supervision of the City Manager.
(`88 Code, § 21-2)

§ 51.003 CITY RESERVES RIGHT TO SHUT OFF WATER.

The city reserves the right at any time to shut off water in the mains in case of an act of God or an accident or for the purpose of making connections, alterations or repairs.
(`88 Code, § 21-3)

§ 51.004 WATERWORKS LAKES.

The Utilities Director shall be the official custodian of the waterworks lakes and the surrounding premises.
(`88 Code, § 21-4)

§ 51.005 EQUIPMENT TO REMAIN PROPERTY OF CITY.

All water meters, meter boxes, pipes and other equipment furnished and used by the city in installing any water or sewer connection shall be and remain the property of the city.
(`88 Code, § 21-5)

§ 51.006 PERTINENT PROVISIONS OF CHAPTER INCORPORATED INTO CONTRACTS.

All pertinent provisions of this chapter are made a part of the terms and conditions whereby the city furnishes water and sewer services to any person or whereby the city makes any water and sewer connections or performs any work of any kind in connection with the furnishing of such services.
(`88 Code, § 21-6)

§ 51.007 LATERALS LAID TO INSIDE OF CURB.

Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid to the backside of the curb on streets with curb and gutter and to a point at least four feet beyond the edge of the pavement on streets without curb and gutter unless in

the resolution ordering the improvement the City Council specifically directs otherwise.
(`88 Code, § 21-7)

§ 51.008 EXTENSION OF LATERALS.

After laterals are laid from water or sewer mains to the backside of the curb, no lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefor.
(`88 Code, § 21-8)

SANITARY FIXTURES

§ 51.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLOSET, WATER CLOSET, PRIVY, or URINAL. A device for the receiving or disposal of human excrement, connected with proper fitting so that its contents shall empty into the city sewer.

PIT PRIVY. A closet consisting of a flyproof vault which shall be at least four feet deep and which shall have a casing 12 inches deep extending downward from the top of the pit. The privy shall be provided with hinged self-closing lids for each seat. The door of such a privy shall be provided with a self-closing device which shall always be workable. There shall be a stack ventilator leading from the privy out through the roof.

TANK PRIVY. A closet consisting of a watertight concrete tank placed beneath the privy, at the left end of which shall be an overflow pipe laid in porous gravel or cinders. The tank itself shall be partially partitioned off with baffle boards to prevent any floating material from overflowing into and stopping up the tile. There shall be a stack ventilator leading from the privy out through the roof.
(`88 Code, § 21-21)

§ 51.021 WATER CLOSET REQUIRED.

Every residence and building in which human beings reside or congregate shall be required to have a sanitary water closet. It shall be unlawful to dispose of any human excreta within the city except through such a water closet.
(`88 Code, § 21-22)

§ 51.022 CONNECTION TO SEWER SYSTEM REQUIRED; EXCEPTION.

Any owner of any building in which human beings reside or congregate within 200 feet of a sewer line shall be required to install a sanitary closet and connect same to the sewer system, unless an exception is granted by the City Manager.
(`88 Code, § 21-23)

CONNECTIONS

§ 51.035 WHEN REQUIRED.

Within 30 days from the time when any water main in any street is completed and ready for use, the owner of every abutting lot shall cause such lot to be connected with the water main. Within 30 days after the time when any sewer main in any street is completed and ready for use if a water main has also been installed in the street, the owner of any abutting lot having thereon improvements for occupancy shall cause a water closet and sink to be installed and connected with the sewer main and shall cause all other sewer facilities within the radius of such improvements if any to be connected with the sewer main; provided that the owner of the premises shall be notified in writing by the City Council of the installation of the water main or the installation of such sanitary sewer and shall be allowed 30 days after written notice within which to make the required connection.
(`88 Code, § 21-41)

§ 51.036 CONNECTIONS TO BE MADE ONLY BY CITY.

The construction of laterals for the connection of the water or sewer pipes on any lot with water or sewer pipes in any street and the necessary excavation thereof shall be done only by the Superintendent of Water and Sewer Line Maintenance in cooperation with the Superintendent of Streets.
(`88 Code, § 21-42)

§ 51.037 APPLICATION.

(A) *Required.* No connection shall be made to any water lateral except after the written application therefor has been approved by the Building Inspector.

(B) *Contents.* Every application for a water connection shall state the name of the owner of the lot; the name of the street on which such lot is situated; the number of the house, if there is one on the lot, or if not, a description of the location of the lot; the number and kind of connections desired and the character of the surface of the abutting street. Every such application shall be signed by the person making the application and shall be accompanied by the proper fee.
(`88 Code, § 21-43)

§ 51.038 SCHEDULE OF FEES.

The schedule of fees for water connections shall be as from time to time established by City Council. The schedule shall be maintained in the office of the City Clerk.
(`88 Code, § 21-44)

§ 51.039 SEWER CONNECTION MADE AT Y.

Every sewer connection made directly to a main shall be made at the "Y" provided for the lot to be served. If no "Y" has been provided for the lot, then such connection shall be made directly to the main at any convenient point.
(`88 Code, § 21-45)

§ 51.040 SEPARATE CONNECTION REQUIRED.

Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected except in those cases where laterals have already been laid in macadam or improved streets from such main without provision being made for such house or building, in which case the connection may be made to an existing lateral. If the house or building is on a macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each house or unit.
(`88 Code, § 21-46)

§ 51.041 SIZE OF CONNECTION WITH MAIN.

No corporation cock shall be inserted in any of the water mains above the size of one-inch inside diameter without the consent of the Utilities Director.
(`88 Code, § 21-47)

§ 51.042 OBTAINING LARGER CONNECTIONS.

Applicants desiring attachments of larger diameter than prescribed by these rules and regulations for the purpose of controlling a larger quantity of water in a short space of time shall be required to pay on demand all extra costs of such attachments above that of ordinary service.
(`88 Code, § 21-48)

EXTENSION OF LINES

§ 51.055 CONDITIONS ON EXTENSIONS INTO PROPOSED SUBDIVISIONS.

No written contract or agreement shall be entered into under the provisions of this subchapter for the extension of water or sewer mains inside or outside

the corporate limits unless approved by the City Council.

(`88 Code, § 21-61)

§ 51.056 RESTRICTIONS ON INTERMEDIATE CONNECTIONS.

When a contract or agreement under this subchapter has been entered into with any applicant for water or sewer connections, either inside or outside the corporate limits, the contract or agreement shall contain a provision that the applicant or the developer who becomes the applicant shall not allow any intermediate connections to be made with the water or sewer lines extended under the contract or agreement without the prior approval and consent of the City Council.

(`88 Code, § 21-62)

§ 51.057 TERMS AND CONDITIONS WITHIN THE CITY.

When water or sewer connections shall be desired within the corporate limits of the city by a bona fide customer who shall be a customer of a permanent and established character which customer will receive water service at a premises involved with structures of a permanent nature if such location is situated upon a street or adjacent to the property where no water or sewer mains or lines have been laid, the city will construct and extend its water and sewer mains or both or the city will allow the construction and extension of its water and sewer mains or both from the nearest existing main to a point suitable for such desired locations subject to the following terms and conditions:

(A) Priority shall be given to applicants on a first-come, first-served basis.

(B) The applicant will be required to submit as part of the written application such information, plans or other data as may be required to adequately determine if the requirements of this subchapter are to be met. The size of water mains and sanitary sewer mains to be installed and the other required system facilities shall be determined by the City Council, but

in accordance with the recognized standards and accepted engineering practices and design. The Council reserves the right to secure the services of competent engineers and city planners in making this determination; the cost for this special service shall be included in and made a part of the cost as represented by the applicant's application.

(C) When an application is made for water and sewer extensions to serve an area or development project that is planned as part of a larger project or subdivision, all of which is not to be developed at the time application is made, the owner shall submit plans in sufficient detail in order to determine the size and type of facilities which will be necessary to serve the entire development or subdivision when completed.

(D) The city shall not be obligated to make installations that require trenching or excavating to a depth greater than eight feet below grade, and there shall be no obligation to make installations where rock, shale or other hard materials are encountered, except when the applicant assumes the total cost for such installations.

(E) No extension to the water or sewer system of the city shall be made and no application shall be approved except in accordance with the requirements of this subchapter.

(F) The applicant and the city will enter into a written contract and agreement covering all water and sewer extensions contemplated under this subchapter.

(G) All extensions of water and sewer mains within a subdivision shall be made at the expense of the subdivider and in accordance with the city's subdivision ordinance in effect at that time.

(`88 Code, § 21-71)

§ 51.058 STANDARDS; COST SHARING.

All extensions of either water or sewer service shall be governed by the following:

(A) The maximum distance for any extension of a water main or a sanitary sewer main from the existing city main to the applicant's nearest property

line shall be 500 feet, and this cost shall be borne by the city. If the extension of a water or sanitary sewer main is in excess of 500 feet, cost of the extension beyond 500 feet may be shared 50% by the applicant and 50% by the city; however, the city reserves the right to determine the financial and engineering feasibility of such extension beyond 500 feet and act accordingly. Payment for the applicant's share of the cost of the extension in excess of 500 feet shall be governed by this subchapter.

(B) If the line to be installed by the applicant is larger than the existing line at the point where the applicant is to connect and it is determined by the city that the existing smaller line will have to be replaced in order to provide adequate pressure and flow for the applicant and the present users, the additional cost for the replacement of the existing smaller line from the point of connection by the applicant to the point where there exists a line the size of or larger than the line to be installed shall be shared 50% by the applicant and 50% by the city.

(C) If the City Council determines that the applicant seeking extensions contemplated under this division seeks to install facilities, the size of which, from an engineering determination, would result in inadequate pressure, the City Council will advise the applicant to amend his or her application to conform to standard engineering requirements and the cost for the required facilities shall be shared as indicated in division (B) of this section.

(D) If the City Council determines that the applicant's application indicates a need for the installation of additional fire hydrants, pumping stations, outfall lines and other facilities that would result in a total cost which the City Council determines to be in such an amount that would not be financially feasible, then the City Council reserves the right to deny the application unless the applicant and the City Council can agree on an acceptable plan for the payment of the cost.

(E) Nothing in this subchapter shall prevent the City Council from extending water or sanitary sewer mains or both within the corporate limits on their own motion without receipt of an application from property owners and assessing the cost of such extensions in

accordance with this division and state law when, in the opinion of the City Council, the general public interest demands such extension of service.

(`88 Code, § 21-72)

§ 51.059 FINANCING OF EXTENSIONS GENERALLY.

(A) *Extensions to approved subdivisions or developed property.*

(1) When an application is received requesting the extension of water or sanitary sewer service or both to serve property within the corporate limits developed or previously approved as a subdivision or where streets have previously been dedicated and accepted by the city and such area is not part of a new subdivision which has not been approved by the city, the City Treasurer or other person designated by the City Council shall estimate the cost of the project and present the application for such extension, the estimated cost and other required information to the City Council for their consideration. If the application is approved by the City Council and subject to the availability of funds, the city will install or have installed by contract under its supervision the extensions which have been approved, and such extension shall be financed in accordance with this subsection.

(2) When an approved water or sanitary sewer extension project has been completed and the total cost thereof has been determined, 50% of the cost of such water or sanitary sewer extension, or both, shall be assessed against the property abutting on both sides of such extension at an equal rate per front foot in accordance with and under the authority granted to the city by state law; provided, that if the 50% cost to the applicant totals \$500 or less, the applicant shall be required to pay the amount in cash at the time of the execution of the contract and agreement between the applicant and the city for the water and sewer extension. The remaining 50% of the total cost of such extensions shall be borne by the city from funds appropriated for this purpose.

(3) If the 50% of the cost to the applicant amounts to more than \$500, any property owner shall

have the opportunity to pay his or her proportionate share of the cost of such extensions after the assessment roll is confirmed, rather than paying his or her share in equal annual installments with interest as required by statute.

(B) Extensions to proposed developments or subdivision.

(1) When an application is received requesting the extensions and/or improvements of water or sanitary sewer service or both to proposed developments or subdivisions within the corporate limits that have not been approved by the City Council and when such extensions and/or improvements involving sharing of the cost as set forth in § 51.058, the City Treasurer or other person designated by the City Council shall estimate the cost of the project and present the application for such extensions and/or improvements, the estimated cost and other required information to the City Council for their consideration. If the application is approved, subject to the approval of the development or subdivision by the city and subject to the availability of funds, the city will install or have installed by contract under its supervision such extensions and/or improvements which shall be financed in accordance with this subsection.

(2) Prior to the beginning of any construction, the property owner or owners shall advance to the city funds in an amount equal to 50% of the total estimated cost of the proposed extensions and/or improvements. Upon receipt of such funds, a written contract shall be entered into by and between the city and the property owner, under which the city will use such funds upon the following terms and conditions:

(a) The funds shall be deposited in a special account of the city for which a separate accounting will be made.

(b) At the time construction of the extensions and/or improvements are completed and the total cost thereof is determined, if the amount deposited exceeds 50% of the total cost, that portion in excess of the amount deposited will be refunded to the owner without interest. If the amount deposited is

less than 50% percent of the total cost, the owner shall pay such additional amount to the city and this condition shall be a part of the written contract.

(c) In lieu of depositing funds, the owner may provide a surety bond or some other form of negotiable security that will ensure payment to the city of the owner proportionate share of the completed cost of extensions and/or improvements in accordance with this division.

(d) No refund or reimbursement of funds shall be made to the owner who pays 50% of the total cost of extensions and/or improvements under the requirements of this subsection except as provided for in subsection (b) of this division.

(e) The city will finance from funds appropriated for this purpose the remaining 50% of the total cost of extensions and/or improvements to such proposed developments or subdivisions. ('88 Code, § 21-73)

Statutory reference:

Authority, see G.S. §§ 160A-216

§ 51.060 FINANCING EXTENSIONS OUTSIDE THE CITY.

(A) All applications for water and sewer extensions outside the corporate limits shall be fully covered by a contract and agreement between the applicant and the city. Such contract and agreement shall contain the provisions set forth in this section and any other requirements of the City Council. The extensions requested in the applications shall be completed within six months unless otherwise provided by the City Council. Before work shall be commenced on the application the applicant shall be subject to and shall conform his or her conduct to the provisions and requirements set forth in § 51.057(A) and (B) and any other requirements that may be required by the City Council; provided also, that before the construction of either water or sewer mains shall have commenced as herein provided the applicant shall be required to furnish a surety bond with a responsible insurance company to guarantee the faithful completion of the applicant's application as provided in the aforesaid contract and agreement.

(B) If an application is approved by the City Council, the applicant, at his or her own expense, shall furnish all labor and materials and construct all water and sewer mains and water and sewer taps and lateral lines, including all necessary manholes, hydrants, water meters and appurtenances, all of which shall meet the city's specifications and development standards. Each building lot within a subdivision or project area shall be furnished with a water line lateral and meter and a sewer line lateral if connection to the sewer main is possible, and the city will make no further connection charges unless new or additional taps are requested. The applicant shall be responsible for all of the costs of these utility improvements within the proposed project as well as the cost of extending service from the corporate limits or existing water and sewer mains to the project. Upon completion of the utility improvements and inspection and acceptance by city personnel, the applicant shall convey to the city fee simple title to all water and sewer mains and lateral lines constructed, together with all meters, taps, manholes, hydrants and appurtenances connected with the lines.

(1) If the applicant funds the cost of extending service from the corporate limits or existing water or sewer main to the development, whether it be a single or multiple lot project, the applicant shall receive a reimbursement as set forth hereafter from water and sewer connection fees on that portion of the main extended to the development. For a period of ten years from the date the applicant's application is approved by the City Council, the applicant shall receive 30% of the going rate or charge for each water connection and 20% of the going rate or charge for each sewer connection.

(2) The city may participate in the cost of extending water and sewer mains from the corporate limits or existing water and sewer mains to the project, but not within the project site, subdivision or development. If the City Council feels it desirable to have larger mains installed than the size necessary and required to serve the project, the Council may agree to pay the difference in the cost of pipe and appurtenances for the larger main.

(3) If the line to be installed by the applicant is larger than the existing line at the

corporate limits at the point where the applicant proposes to connect and it is determined by the city's engineers that the existing smaller line will have to be replaced in order to provide adequate pressure and flow for the applicant and current users, the City Council may agree to participate in the cost of replacing the existing smaller line from the point of connection at the corporate limits to a point where there exists a line as large or larger, if necessary, than the one to be installed by the applicant. If the City Council agrees to participate in the cost of replacing the smaller line, the cost will be shared 75% by the applicant and 25% by the city.

(C) An applicant for sewer services outside the city shall enter into a contract and agreement in which he guarantees to pay to the city for all sewer service charges that may be assessed against him; provided, that it is understood that the city will not be held responsible for the lack of water pressure or flow that may involve the applicant when the city does not furnish the applicant with water services; and provided further, that after the connection of water or sewer connections herein provided have been made, and it is determined that either the water or sewer connections involved are inadequate because of the size of the applicant's installation, the additional cost to provide adequate water and sewer service shall be assumed fully by the applicant.

(D) No reimbursement shall be made upon annexation. All water and sewer lines connected to the system of the city and located outside the corporate limits shall become the property of the city at the time such facilities are connected.

(E) Prior to the beginning of any construction, the owner shall deposit with the city funds in an amount equal to the total estimated cost of any extensions. Upon receipt of such funds a written contract shall be entered into by and between the city and the property owner in accordance with the requirements of this division. Such contract shall provide that in the event the amount of the total funds deposited exceeds the amount of the total extension cost when completed, that portion in excess of the total cost will be refunded to the owner without interest. Such contract shall also provide that if the

amount deposited is less than the total cost, the owner shall pay such additional amount to the city.

(F) In lieu of depositing funds the owner may execute a surety bond guaranteeing payment for such extension or have such extension work performed under private contract with the approval of the City Council. All work is to be performed in accordance with construction requirements of the city and shall be subject to inspection and approval by the city.

(G) If the property for which application has been made for water or sewer service is contiguous to the corporate limits, the owner of such property agrees to annexation and such property is subsequently annexed to the city, then all extensions made to such property between the time the application is filed and the time the property is annexed shall be financed in accordance with the provisions of § 51.059.
(`88 Code, § 21-86)

§ 51.061 INSTALLATION AND CONSTRUCTION; OWNERSHIP.

(A) Any water mains or sanitary sewer mains extended under the provisions of this division shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the city.

(B) Unless the city chooses not to assume ownership, all facilities installed under the provisions of this subchapter, whether within or outside the corporate limits, shall become the sole property of the city and shall be under its jurisdiction and control for any and all purposes at the time such facilities are connected to the city's system.

(C) Prior to the entering into a contract or agreement with an applicant to extend water or sewer facilities outside the corporate limits, the owner seeking an extension of water or sewer facilities, the cost of which is borne in whole or in part by the individual owners, first shall execute a warranty deed to the city covering all of the facilities involved in the extension and granting to the city the right of easement

to service and maintain the water or sewer facilities that may be extended.
(`88 Code, § 21-87)

WATER RATES AND CHANGES

§ 51.075 DEPOSIT FOR WATER SERVICE.

Any person making application for water to be furnished to his or her premises shall make such deposit to the City Clerk as may be required by the City Council.

(`88 Code, § 21-101)

Statutory reference:

Municipal authority to fix and enforce rates, see G.S. § 160A-314

§ 51.076 METERS READ AND BILLS PAYABLE.

Meters shall be read in accordance with the schedule established by City Council. Bills shall be submitted monthly and shall be payable by the tenth of the month in which bill is due.

(`88 Code, § 21-102)

§ 51.077 MAINTENANCE OF METERS.

All meters except those required to be furnished by particular users of water shall be kept in good repair and working order by and at the expense of the city. Meters furnished by particular users of water shall be kept in good repair and working order by the city but the expense thereof shall be borne by such users.

(`88 Code, § 21-103)

§ 51.078 BILLS BASED ON METER READINGS; PROCEDURE FOR DEFECTIVE METERS.

Water bills shall be based on the actual reading of the amount of water used, except that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the

average amount used by the premises served by such meter during the preceding three months or during the portion of such period for which water rent records are available. If water was not consumed by the premises through the meter during such preceding period, the bill rendered shall be for the average period and for the average amount of other services of the same class in the city during the period covered by the bill. Bills shall be rendered separately for each service or connection. When more than one family or other group is furnished water through a single meter, the bill therefor shall be furnished only to the person upon whose application such water was furnished. All bills shall be made out and mailed as early as practicable after the close of the month or quarter covered by such bills.

(`88 Code, § 21-104)

**§ 51.079 DELINQUENT ACCOUNTS;
DISCONNECTION OF SERVICE.**

Water customers shall not be contacted personally in an effort to collect overdue bills; rather, on the twenty-first day of the month, if payment has not been received, the water shall be subject to being cut off. Water cut off under this section shall not be restored until all overdue bills are paid. Fees to disconnect or restore water service shall be set from time to time by the City Council. Individuals absent during the indicated period can avoid such fees by notifying City Hall of such fact in advance.

(`88 Code, § 21-105)

§ 51.080 NEW ACCOUNTS CHECKED.

When a request for water service is received, records shall be checked to ensure that there is not a delinquent bill against either the address or the individual. Should it be determined that one exists, water shall not be restored for an individual at a new address or for a new individual at the same address until it can be definitely shown there is no relationship, either blood or personal, between the delinquent customer and the individual now seeking water service at the same address. If it is determined

there is such a relationship and the request is simply a subterfuge to gain water, service may be denied.

(`88 Code, § 21-106)

§ 51.081 WATER METER MAY BE REMOVED.

In cases where the water is turned off for nonpayment of water rent or other causes or when in the opinion of the Utilities Director the turning off of the water at the stopcock is not sufficient protection against the further use of water, he or she may cause the water meter to be removed.

(`88 Code, § 21-107)

§ 51.082 CHARGE FOR REINSERTING WATER METER.

Upon application for reconnection after cutoff and meter removal, an additional charge of \$25 for reinserting the meter shall be made.

(`88 Code, § 21-108)

§ 51.083 SCHEDULE OF WATER RATES.

The schedule of water rates under this subchapter shall be as from time to time established by the City Council and as contained in the schedule maintained on file in the City Clerk's office.

(`88 Code, § 21-109)

BACKFLOW PREVENTION

§ 51.095 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR-GAP SEPARATION. An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved

meter of the supply pipe. In no case shall the air-gap be less than one inch.

APPROVED. Certified in writing by the Water and Sewer Maintenance Superintendent as an acceptable device or methodology for the purpose of backflow prevention.

AUXILIARY INTAKE. Any piping connection or other device whereby water may be secured from a source other than public water supply.

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

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

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

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

CERTIFIED TESTER. A person who has proven his/her competency to test, repair, overhaul and make reports on backflow prevention devices as evidenced by certification of successful completion of a training program approved by the Superintendent of Water and Sewer Maintenance.

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

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

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

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

CROSS-CONNECTION CONTROL COORDINATOR. The official position established and authorized by the city and designated by the Water and Sewer Maintenance Superintendent to administer and interpret this subchapter and who shall be a certified tester.

DOUBLE CHECK VALVE BACKFLOW PREVENTION DEVICE. An approved assembly composed of two single, spring-loaded independently operating check valves including tightly closing shut-off valves located at each end of the assembly and having suitable connections for testing the watertightness of each check valve.

DUAL CHECK VALVE. An approved device containing two independently acting check valves in series.

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

INTERCONNECTION. Any system of piping or other arrangement whereby the public water supply is connected directly with a sewer, drain, conduit, pool,

heat exchanger, storage reservoir or other device which does or may contain sewage or other waste or substance which would be capable of imparting contamination to the public water supply.

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

PUBLIC WATER SUPPLY. The water and waterworks system of the city and its customers outside the corporate limits for general use and which supply is recognized as the public water supply by the North Carolina Department of Human Resources.

REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE. An approved device containing within its structure two spring loaded independently operating check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves less than the supply pressure. This device shall have suitable connections for testing the proper operation of the device, including tightly closing shut-off valves located at each end of the device.
(Ord. passed 8-10-93)

§ 51.096 COMPLIANCE WITH FEDERAL AND STATE LAW.

The city will comply with the Federal Safe Drinking Water Act, the North Carolina Drinking Water Act and North Carolina State Building Code which pertain to cross-connections, auxiliary intakes and interconnections and establish an effective

ongoing program to control potential sources of contamination of the public water supply.
(Ord. passed 8-10-93)

§ 51.097 UNLAWFUL CONNECTIONS.

It shall be unlawful for any person to cause a cross-connection, auxiliary intake or interconnection to be made or allow one to exist for any purpose whatsoever.
(Ord. passed 8-10-93) Penalty, see § 51.999

§ 51.098 INSPECTION OF PROPERTY.

It shall be the duty, upon request, of the Water and Sewer Maintenance Superintendent to cause inspections to be made of properties served by the public water supply where cross-connections with the public water supply are deemed possible. The frequency of inspections and reinspections shall be set by the Water and Sewer Maintenance Superintendent.
(Ord. passed 8-10-93)

§ 51.099 RIGHT OF ACCESS.

The Water and Sewer Maintenance Superintendent, or authorized representative, shall have the right to enter, at a reasonable time, any nonresidential property served by a connection to the city public water supply for the purpose of performing the duties of this subchapter. In those cases in which the property owner chooses not to provide such access, the Water and Sewer Maintenance Superintendent, or authorized representative, may designate the location as a high hazard in accordance with § 51.101.
(Ord. passed 8-10-93)

§ 51.100 EXISTING CONDITIONS.

Any consumer shall be allowed 90 days to correct any cross-connections, auxiliary intakes, interconnections or other hazard as defined by § 51.101 of the code in violation of the provisions of this subchapter. The 90 days will be from the date of

receipt of the notification given by the Water and Sewer Maintenance Superintendent.
(Ord. passed 8-10-93)

§ 51.101 HAZARDOUS USES.

(A) The following uses shall be classified as hazardous uses:

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

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

(3) A facility which contains, but is not limited to, a bottling plant, cannery, building have five or more stories, battery manufacturer, exterminator, greenhouse, chemical processing plant, dairy, dye works, film laboratory, car wash, hospital, commercial laboratory, laundry, metal fabricating operation, mortuary, swimming pool, morgue, x-ray equipment, medical office with laboratory, aspirator, medical washing equipment, packing house, plating plant, poultry house, power plant, nuclear reactor, pumped fire sprinkler or riser system or those equipped with facilities for introduction of freeze preventive chemicals or other substances other than water.

(B) All installations described in this section shall be deemed hazardous uses and must have a containment device in the form of a reduced pressure

zone backflow prevention device, provided that, if the consumer demonstrates to the satisfaction of the Water and Sewer Maintenance Superintendent that sufficient internal confinement devices have been installed and tested, the Water and Sewer Maintenance Superintendent may require that the consumer provide engineering drawings sealed by a professional engineer of installations within the premises which provide complete internal protection against cross-connection as approved by the Water and Sewer Maintenance Superintendent. Any such connection shall be considered an other connection for the purpose of determining the type of containment device required. Each internal confinement device shall be one of the following, as approved by the Water and Sewer Maintenance Superintendent or his or her authorized representative: reduced pressure zone principle backflow prevention device, double check valve backflow prevention device, air gap, vacuum break-pressure type or dual check valve. Each reduced pressure zone principle backflow prevention device serving as an internal confinement device shall have a mesh strainer immediately upstream of the inlet gate valve.

(Ord. passed 8-10-93)

§ 51.102 OTHER CONNECTIONS.

(A) Services to single-family residential units not otherwise required by this code to have other containment devices may have a containment device in the form of an approved dual check valve. On all such services for which meters are applied more than 90 days following the date of adoption of this subchapter, the dual check valves or other containment devices as required shall be installed by the owners' representative prior to the installation of the meter by the Water and Sewer Maintenance Department. On all such services for which meters have been applied prior to that date, the dual check valve shall be installed by the Water and Sewer Maintenance Department, provided that the city reserves the right to charge the owner or occupant of any residence for the cost of the device and its installation. Maintenance of dual check valves containment shall be conducted by the Water and Sewer Maintenance Department.

(B) All other connections to the public water supply of the city shall have containment devices in the form of a double check valve back flow prevention device as set forth in § 51.103. This shall include water mains installed to city standard and with city supervision, but which are not maintained by the city, pursuant to other ordinances including but not limited to mobile home parks, apartments, group housing projects and other private distribution systems or similar hazard potential as determined by the Water and Sewer Maintenance Superintendent, or his or her authorized representative.
(Ord. passed 8-10-93)

§ 51.103 INSTALLATION OF CONTAINMENT DEVICES.

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

(B) The Water and Sewer Maintenance Superintendent shall maintain a list of approved manufacturers and models of hazard containment devices and drawings of standard installations, copies to be made available through the office of the Water and Sewer Maintenance Superintendent and the Code Enforcement Office. All reduced pressure zone principle backflow prevention devices and double check valve backflow prevention devices shall be approved by the Foundation for Cross Connection Control and Hydraulic Research. All vacuum breaks and dual check valve devices shall be approved by the American Society for Sanitary Engineers. All installations and materials shall conform to city standards as set by the Water and Sewer Maintenance Superintendent.

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

(D) The cost of the means of containment and any other plumbing modifications necessary and convenient thereto and the testing and maintenance thereof is to be paid for by the consumer.
(Ord. passed 8-10-93)

§ 51.104 NEW CONSTRUCTION.

All buildings proposing to connect to the public water system of the city receiving building permits, on or after the effective date of this subchapter, shall be equipped with an approved and tested as properly functioning backflow prevention device(s), as prescribed herein, prior to the issuance of a certificate of occupancy for that building. If a building permit was issued for the building prior to the effective date of this subchapter or a building permit was not required, the building shall be considered to be an existing building prior to the effective date, in accordance with § 51.100.
(Ord. passed 8-10-93)

§ 51.105 NOTIFICATION OF CONSUMER.

(A) Upon identification of a hazard or hazard potential, as defined in §§ 51.101 and 51.102, the Water and Sewer Maintenance Superintendent shall notify the consumer of record of the property on which the hazard exists of the following:

- (1) Location of hazard;
- (2) Nature of hazard observed;
- (3) Date hazard observed;
- (4) Section of code applicable;
- (5) Requirements of code.

(B) Such notification to be made by certified mail, with return receipt requested.
(Ord. passed 8-10-93)

§ 51.106 CHANGE IN NATURE OF USE.

The Water and Sewer Maintenance Department shall be notified by the consumer when the nature of use of the property changes so as to change the hazard classification of that property, as set forth in §§ 51.100 and 51.101.
(Ord. passed 8-10-93)

§ 51.107 CONSUMER RESPONSIBILITIES.

(A) The consumer shall upon notification, as defined in § 51.105, install the hazard containment device(s) as required within 90 days from the date of notification.

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

(C) The city shall bear no liability for direct or consequential damages proximately caused by the discontinuance of service pursuant to this section.
(Ord. passed 8-10-93)

§ 51.108 TESTING AND MAINTENANCE OF DEVICES.

The consumer at each property at which containment and/or confinement device(s) have been installed, except those with devices installed in accordance with § 51.102(A) of this code shall have each containment and/or confinement device(s) tested

on an annual basis and perform any routine maintenance to such device as recommended by the manufacturer and provide the Water and Sewer Maintenance Superintendent with a report of this inspection and work. The consumer shall cause such maintenance or repairs to be made, rendering the device fully operational. Failure of the consumer to perform that testing and maintenance shall be cause for the premises to be deemed an immediate public health hazard. The Water and Sewer Maintenance Superintendent may immediately thereafter discontinue public water supply service to that premises and service shall not be restored until such devices have been rendered fully operational. Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate containment of confinement devices shall be provided by the property owner to avoid the necessity of discontinuing water service to test or repair the device or devices.

(Ord. passed 8-10-93)

§ 51.109 LIMITATION OF LIABILITY.

The city shall not be held liable for any cause for failure to detect any unit failing to operate adequately or failure to identify any specific hazard which may result in contamination of its public water supply, nor shall this subchapter diminish the responsibility of any property owner from whose property a contamination of the public water supply may originate.

(Ord. passed 8-10-93)

POLES, PIPES AND LIGHTS

§ 51.120 PERMIT FOR PLACING POLES.

(A) No poles for electric, telegraph, telephone or cablevision service or for any other purpose shall be placed on any street of the city without a permit.

(B) No permit shall be issued for the erection of poles on any street where there already exists a line of poles supporting electric, telephone, cablevision or telegraph wires.

(`88 Code, § 21-116)

§ 51.121 POLES TO BE JOINTLY USED.

Whenever any electric, telephone, cablevision or telegraph company shall desire to place lines or wires along any street upon which it does not have a line of poles, but where there exists a line of poles owned by another company, the companies may maintain their wires upon the same poles. If an agreement cannot be reached between the companies owning the poles and the companies desiring to place wires thereon, the companies may submit the question of compensation to the City Council for determination. This section shall apply to poles owned by the city as well as poles owned by companies operating under franchises from the city.

(`88 Code, § 21-117)

§ 51.122 CARE AND INSPECTION OF POLES.

It shall be the duty of the owners of all poles supporting electric, telephone, cablevision or telegraph wires to keep them in a safe condition and for that purpose to inspect them once every three months.

(`88 Code, § 21-118)

§ 51.123 CITY USE OF POLES AND UNDERGROUND CONDUITS.

One duct in all underground conduit systems shall be provided for the city free of charge for the city police or fire alarm telegraph system when required. The city shall have the use of any poles on streets for the same purposes.

(`88 Code, § 21-119)

§ 51.124 CREATION OF STANDARDS.

Standards are created to be observed in respect to the location and maintenance of clearances between pipes and appurtenant facilities used to conduct commercial gas and the poles, pipes and other equipment and other appurtenant facilities used by all utilities operating in the streets and ways under the authority of the city.

(`88 Code, § 21-120)

§ 51.125 STANDARDS DO NOT AMEND OR ALTER FRANCHISE; PURPOSE OF DIVISION.

This section shall not be construed as an amendment or alteration of any franchise granted by the city under which any electrical, communication, gas or other utility occupies streets and ways under the jurisdiction of the city. It is the purpose and intent of the City Council to enact this division in the exercise of its police and other governmental powers to control the location of the facilities of authorized public utilities maintained in the public streets and ways for the general public welfare.

(`88 Code, § 21-132)

§ 51.126 POLES.

Poles supporting electrical and communication wires shall be located (as has been the long established custom) within the areas of streets and ways behind existing street curbs or curblines established by the city, such area being commonly referred to as the "utility strip." Guy wires, guy anchors, ground wires and the like incidental thereto, which are maintained partly beneath and partly above ground surface, shall be so located and maintained that the parts above the ground surface do not unnecessarily interfere with or endanger vehicular or pedestrian travel in the portion of the street set apart for such travel. The poles and the like shall be so maintained that the parts above the ground surface shall not unnecessarily interfere with pedestrian traffic on sidewalks; provided, that in instances where a sidewalk is fully paved out to the curb, such poles and guy wires may be maintained therein in respect to the curb as if an unpaved strip existed; and provided further, that in instances where space can be obtained for laying gas pipes in the utility strip set forth in § 51.127 by moving the electric or communication poles nearer to, but not nearer than six inches to the existing curb or curblines, the electric company and telephone company shall so move any poles maintained by each, subject to the provisions of § 51.129.

(`88 Code, § 21-133)

§ 51.127 PIPES AND VALVES.

All pipes and appurtenant valves used for the distribution of natural or commercial gas that are located in the streets shall be installed and maintained beneath the ground surface. They may be installed and maintained underground within the area of the utility strip described in § 51.126 when and only when the same can be done without disturbing the soil or installing such pipe or facility nearer than the distance of 18 inches from the outside surface on the property side of the pipes, poles or other facilities of any utility which is in existence at the time of installing such gas pipe or appurtenant facility. If the utility strip along any street within the city is not occupied by any facilities of any utility, then gas mains, pipes or pipelines may be laid in such utility strip; provided, that the excavation for laying of such gas facilities shall not be nearer than 30 inches to the curb or curblines as already located or as may be established by the city. In areas where no curb is now presently located, gas lines shall be laid at such places as may be indicated by the City Engineer or other person designated to perform such duties. The approval of such locations on noncurbed streets, alleys or public ways shall be obtained from the City Engineer before the gas lines are installed. Such locations shall comply essentially with the requirements set forth in this section for installations where streets presently have curblines.

(`88 Code, § 21-134)

§ 51.128 DEVIATION FROM DIVISION.

In the event it shall be found that the location and clearances specified in §§ 51.126 and 51.127 cannot be observed at some points without undue hardship upon the utility involved, deviation from the location and clearance at such particular points may be made by written agreement between the gas operator and the operators of the other utilities involved, subject to approval of such agreement by the City Council or its duly authorized representative. In the event of a failure of any of the utility operators affected to reach a satisfactory agreement between themselves in such a manner as could be approved by the city or its authorized agents, then any of the utilities shall have the right to appeal directly to the City Council, whose

decision in such cases shall be final and binding on all of the parties concerned.

(`88 Code, § 21-135)

§ 51.129 DRAWINGS OF ALL GAS LINES TO BE FILED.

(A) A gas utility, before laying any gas pipe in any street from and after March 10, 1959 shall furnish to the city a drawing, with an original and five copies, showing the depth and location of the gas line and appurtenant facilities in reference to the curb or curblines established by the city, in such detail and with such accuracy that its location may be determined by surface measurement measured from the curb, curblines or other suitable definite point. Such pipe shall then be laid at the depth and in the location shown on the map. For gas pipes laid and appurtenant facilities installed prior to March 10, 1959, such drawing shall be furnished to the city in the same detail on or before June 10, 1959. A service line leading from the gas main to serve a customer may be laid without first filing such drawing, but the drawing shall be filed within 90 days after the laying of the service pipe; and appropriate permanent markings shall be made in the curblines to indicate where each service line leaves the main line. The drawings so furnished to the city shall be permanently filed in the office of the City Clerk and shall not be removed therefrom for any purpose. One copy of such drawings shall be delivered to each of the other utility operators who operate public conveniences over the public streets of the city.

(B) Except as specifically provided in this section, this division shall not be deemed to apply to any pipes and appurtenant facilities in connection with the use and distribution of natural or commercial gas laid or installed prior to March 10, 1959.

(`88 Code, § 21-136)

§ 51.130 HEARING OF COMPLAINTS.

In case any public utility company desires to be heard on the question of any requirement of this subsection, such utility company shall file its objections and contentions with the City Clerk in

writing and immediately deliver to all of the other utility companies a copy thereof, therein designating the time and place that such complainant shall ask to be heard, and until such requirements are met, the complaint shall not be heard.

(`88 Code, § 21-137)

GREASE, OIL AND SAND CONTROL

§ 51.140 SCOPE AND PURPOSE.

To aid in the prevention of sanitary sewer blockages and obstruction for contribution and accumulation of fats, oils, greases and sand into the sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

(Ord. passed 5-8-01)

§ 51.141 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COOKING ESTABLISHMENTS. Those establishments primarily engaged in activities of preparing, serving or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

FATS, OILS, GREASES and DARK PRINTS. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be

amended from time to time. All are sometimes referred to herein as ***GREASE*** or ***GREASES***.

GREASE, SAND TRAP or INTERCEPTOR. A device for separating or retaining water borne greases, grease and sand complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities prior to the water exiting the trap and entering the sanitary sewer.

MINIMUM DESIGN CAPABILITY. The design features of grease trap and its ability or volume required to effectively intercept and retain greases from grease-laden wastewater discharged to the public sanitary sewer.

NON-COOKING ESTABLISHMENTS. Those establishments primarily engaged in the preparation of pre-cooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

SAND. Solid material that enter the sewer system other than residential sewer.

SAND TRAPS. A design feature in the sanitary sewer line that takes out solids from car washes, garages, detail shops or any business that washes or cleans vehicles which the water enters the sanitary sewer system.

(Ord. passed 5-8-01)

§ 51.142 GREASE INTERCEPTOR: MAINTENANCE, RECORDKEEPING AND GREASE REMOVAL.

(A) Users as required by the city or designer shall install grease interceptors. Grease interceptors shall be installed at user's expense when such user operates a cooking establishment. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the city for the proper handling of liquid wastes containing grease. No user shall allow

wastewater discharge concentration from subject grease interceptor to exceed 100 milligrams per liter.

(B) All grease interceptors shall be of a type, design and capacity approved by the city or designee and shall be readily and easily accessible for user cleaning and city inspection. All such grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every 45 days. Users who are required to pass water through a grease/sand interceptor shall:

(1) Provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the uniform plumbing code fixture criteria, between the influent and effluent baffles with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a sludge pocket.

(2) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than 45 days at the users expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shell, towels, rags, and the like, which could settle into this pocket and thereby reduce the effective volume of the grease interceptor. Understand and agree that the city reserves the right to make determination of grease/sand interceptor adequacy and need based on review of all relevant information regarding grease/sand interceptor performance, facility site and building plan review and to require repairs to/or modification or replacement of such traps.

(C) The user shall maintain a written record for three years and send written form to the city each time trap is cleaned. One copy of the form will be sent to user. Copies can be made of forms.

(D) Access manholes, with a minimum diameter of 24 inches shall be provided over each chamber of the interceptor. Cover shall be maintained so they can be readily removed for inspection and cleaning.

(E) Existing facilities that are classified in this chapter will have 18 months to comply with this subchapter from the date of adoption.

(Ord. passed 5-8-01) Penalty, see § 51.999

§ 51.143 EXISTING FACILITIES.

(A) All existing food service establishments shall have grease-handling facilities, approved by the city food service establishments without any grease-handling facilities will be given a date of notification to have approved and installed grease handling equipment in compliance with this standard. Failure to do so will be considered a violation of the city sewer use ordinance and may subject the facility to penalties and corrective actions. The installations shall meet the same requirements for design as for new facilities.

(B) In the event an existing food service establishment's grease-handling facilities are either under designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies and required improvements, and given a compliance deadline not to exceed 18 months to conform with the requirements of this grease standard.

(C) For cases in which "outdoor" type grease interceptors are infeasible to install, existing food service establishments will be required to install adequate and approved "under-the-counter" grease traps for use on individual fixtures including dishwashers, sinks and other potentially grease-containing drains.

(D) The city approval of flow control devices and grease trap design must be obtained prior to installation.

(E) The location of "under-the-counter" units must be near the source of the wastewater as physically possible.

(F) Wastewater from garbage grinders should not be discharged to grease traps/interceptors.

(G) In maintaining grease traps/interceptors, the owner(s) shall be responsible for the proper removal

and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the city.

(Ord. passed 5-8-01) Penalty, see § 51.999

(4) The penalties and enforcement provisions established by this division may be applied in addition to or in lieu of the penalties established by other sections of this code.

(Ord. passed 8-10-93)

§ 51.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(B) Violation of any provision of §§ 51.095 et seq. may subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after the assessment has become final by exhaustion of the appeal process established by this section or by failure to appeal the assessment.

(1) The civil penalty for violation of any provision of §§ 51.095 et seq. shall not exceed \$500 per day for each day of continuous violation or a cumulative or single civil penalty of \$10,000. The civil penalty for willful violation of any provision of §§ 51.095 et seq. shall not exceed \$1,000 per day for each day of a continuous violation or a cumulative or single civil penalty of \$20,000.

(2) Any civil penalty shall be assessed by the City Manager, upon the recommendation of the Water and Sewer Maintenance Superintendent, and shall be based upon the reasonable estimated cost of correcting the cited violation, the magnitude of the potential risk posed to the public health, safety and welfare by the violation and the cost of the public safety or other emergency response caused by the violation. The City Manager shall serve written notice of the civil penalty assessment on the offender and set out with reasonable care the basis of the amount so assessed.

(3) The provisions of §§ 51.095 et seq. may be endorsed by an appropriate equitable remedy, including a mandatory or prohibitory injunction, issuing from a court of competent jurisdiction.