

**TOWN OF ATLANTIC BEACH  
NORTH CAROLINA**

**WATER POLICY**

**ADOPTED ON JANUARY 16, 2001**

**LAST AMENDED ON  
JULY 28, 2014**

# TOWN OF ATLANTIC BEACH WATER POLICY

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**SECTION 1.00            DEFINITIONS**

- Section 1.01            The following words, terms, and phrases, wherever used in these regulations, shall have the meanings respectively ascribed to them in this section unless context plainly indicates otherwise or a more restricted or extended meaning is intended. For the purposes of this policy, the word **shall** is mandatory and the word **may** is permissive.
- Section 1.02            **Account, Water Service** - The record of water usage and monetary transactions maintained by the Town for each water consumer.
- Section 1.03            **Boarding or Rooming House** - A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from motels and hotels in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.
- Section 1.04            **Building** - A structure designed to be used as a place of occupancy, storage or shelter.
- Section 1.05            **Building Water Service or Water Connection** -the connecting pipe from a building to the Town's municipal water system.
- Section 1.06            **Campground or Recreational Vehicle Park** - A park intended for recreational use in which more than one temporary, transient quarters such as tents, campers, travel trailers, motorhomes or recreational vehicles, etc., are erected or located on individual spaces intended for their use.
- Section 1.07            **Concealed Leak** - shall mean any use of water of which the consumer has no knowledge, such as leaking underground piping.
- Section 1.08            **Condominium** - Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants together with individual ownership.
- Section 1.09            **Consumer** - Any person or owner responsible for the use of water obtained from the Town water system.

- Section 1.10            **Easement** - A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.
- Section 1.11            **Family** - One or more persons living together as a single housekeeping or dwelling unit.
- Section 1.12            **Hotel** - An establishment which is open to transient guests, as distinct from a boarding, rooming, or lodging house, which contains lodging rooms, a general kitchen and dining room, a common entrance lobby, halls and stairway; and where the lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies; and where more than 50 percent of the lodging rooms are for rent, with or without meals, to transient guests for a continuous period of less than 30 days.
- Section 1.13            **Meter** - the Town authorized measuring device used for determining water consumption.
- Section 1.14            **Mobile Home Park** - A residential use in which more than one mobile home is located on a single lot.
- Section 1.15            **Modified Service** - shall include any and all services or building water services where any new plumbing is installed, where the building water service is changed or replaced in any way, where the water meter is replaced, or any other changes to the plumbing system are made.
- Section 1.16            **Monthly Meter Charge** - shall be the minimum monthly charge assessed to each meter account based on the meter size as presented in Section 19 of this policy.
- Section 1.17            **Monthly Unit Charge** - shall be the minimum monthly charge assessed to each unit of a multiple unit establishment for service from a single meter. Each unit charge shall be equivalent to the monthly service charge for a single 3/4" meter and service as set out in Section 19 of this policy. Motels, rooming houses, condominiums, restaurants, and all other multiple unit establishments shall be charged a monthly unit charge for each unit on the premises, as determined by a site inspection by the Public Utilities Director.
- Section 1.18            **Motel** - A building or group of buildings, whether detached or in connected units, used as individual sleeping units designed primarily for use by transient persons for a continuous period of less than 30

days, and providing for accessory off-street parking facilities and which may include one dwelling unit for a bona fide caretaker or operator. The term "motel" includes buildings designed as auto courts, tourist courts, motor lodges, autels, and similar terms.

- Section 1.19      **Owner** - Any person, firm or corporation, lessee, receiver, trustee, guardian, or personal representative, holding legal title or right to occupy or carry on business in a structure or any facility. Where there is more than one owner, as defined, their duties and obligations under this policy are joint, and several, and shall include the responsibility for the account for water service serving their property.
- Section 1.20      **Person** - any association, company, corporation, firm, individual, organization, or partnership, singular or plural, of any kind.
- Section 1.21      **Private Water System** - shall mean any facilities for obtaining potable water not maintained and operated by the Town.
- Section 1.22      **Public Works Director** - The Director of the Public Works Department of the Town of Atlantic Beach.
- Section 1.23      **Restaurant** - An establishment serving food and/or beverages, and regulated by the Carteret County Health Department.
- Section 1.24      **Service** - the authorized connection of a pipe from the Town water main to a Town water meter.
- Section 1.25      **Town** - the Town of Atlantic Beach, North Carolina.
- Section 1.26      **Town Board** - the Town Council of the Town of Atlantic Beach.
- Section 1.27      **Unit, Commercial** - Any user of water that is not a dwelling unit, restaurant, or other specifically excepted user. Commercial accounts shall be charged for water service according to the published rate schedule for the size meter serving the establishment.
- Section 1.28      **Unit, Dwelling** - An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family, served by a single meter.
- Section 1.29      **Unit, Multiple** - shall mean more than one unit served collectively by one meter.

Section 1.30

**Water, Non-Potable** - shall mean any water that does not meet the requirements of Section 1.08, but may be suitable for heating, cooling, irrigation, or other purposes.

Section 1.31

**Water, Potable** - shall mean water that is suitable for human consumption, and that meets or exceeds all guidelines for drinking water as published by the Water Supply Branch, N.C. Division of Health Services in N.C. Administrative Code, Title 10 Chapter 10 Subchapter 10D Sections .0600 through .2600 as amended (known as the green book).

**SECTION 2.00 APPLICATION FOR SERVICE**

- Section 2.01 Applicants shall be required to sign the standard water department form of application for water service before the water is turned on. The application for service shall clearly state the class, scope, and type of use to be made of the service, as well as the purpose for which it shall be used. Any failure or deviation from the stated purposes shall be sufficient reason to terminate water service. By signing the application for water service, the applicant agrees to all terms and conditions set forth in this water policy, and further agrees to comply with all such provisions to the same extent as if those conditions were written in the application.
- Section 2.02 The Town may reject any application for service, which may affect the supply of service to other customers, or for other good and sufficient reasons.
- Section 2.03 The Town may reject an application for service when the applicant owes a bill for services previously supplied by the Town.
- Section 2.04 No unauthorized person(s) shall uncover, make any connections with, opening into, use, alter, or disturb any public water line, or attachment thereof without first obtaining a written permit from the Town.
- Section 2.05 The owner(s) or his agent shall make application to the Town for a building water service permit. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town or its representative. Pipe on the consumer's premises shall be so arranged that the point of connection is conveniently located with respect to the Town's service lines and water mains.
- Section 2.06 All costs and expenses incidental to the installation and connection of the building water service shall be borne (100%) by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building water service.
- Section 2.07 The size, alignment, material of construction of a building water service, and the methods to be used in excavating, placing of pipe, joining, testing, and backfiring the trench shall conform to the requirements of the building and plumbing code or other applicable

rules and regulations of the Town.

- Section 2.08 The connection of the building water service to the municipal water system shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. All connections shall be watertight and verified by proper testing.
- Section 2.09 The applicant for the building water service permit shall notify the Town Inspections Department when the building water service is ready for inspection and connection to the municipal water system. The connection shall be made under the supervision of the Town Building Inspector, or designated representative.
- Section 2.10 All excavations for building water services shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- Section 2.11 The Town shall charge the applicant a water tap fee for which the Town shall provide a water meter at the Town right of way line or other mutually agreeable and convenient point. The owner(s) agree(s) that by signing the applications for water service and the building water service permit that they shall grant the Town a right-of-way to install and maintain the water service line to the metering point. All applications for water service shall contain language granting the Town an easement for these purposes by the owner(s) of the property. The owner(s) shall be responsible for installation and maintenance of the building water service to the Town's metering point.
- Section 2.12 The Town may reject any application for service which involves excessive service cost, or which may affect the supply of service to other customers, or for other good reasons.
- Section 2.13 All rents, rates, fees, charges, and penalties for services under this Policy shall be the legal obligation of the person contracting for them. In the event one meter is used to provide water to several living units or separate facilities located on one commonly owned property, then the owner of said property shall be responsible for all water used through such meter without regard to whether tenants of the owner pay a portion of said water bill. And further notwithstanding that the Town may allow the tenant or tenants to have an account in their name and pay a portion of said bill.

- Section 2.14            The Town shall not be responsible for the users piping or other appliances.
- Section 2.15            When two (2) or more meters are to be installed for the same premises but for different consumers, such meters shall be closely grouped and each clearly designated to indicate to which consumer it serves. New multiple unit dwellings (duplex, triplex, etc.) shall have a separate meter for each living unit, and shall be considered as separate dwellings for the purposes of figuring tap fees, impact fees, etc.
- Section 2.16            Water furnished for a given lot shall be used on that lot only.
- Section 2.17            Where meters are presently located on or near the premises of a user, the user shall be responsible for the Town's meter and shall provide an unobstructed and accessible location at all times for meter reading and system maintenance.
- Section 2.18            In compliance with the NC Division of Health Services cross-connection and backflow prevention program, all new or modified services shall be installed with an approved backflow prevention device. This device shall be of a type that attaches directly to the meter, as approved and installed by the Town. The customer, at his own expense, shall install, operate, depending on the application, a "Reduced Pressure Zone" (RPZ); it shall be installed under the supervision of the Town and at the expense of the customer and the customer will maintain the approved backflow prevention device as directed by the Town. The customer's responsibility starts at the point of delivery from the Town's potable water system and includes the user's entire water system. The Town reserves the right to refuse or discontinue service unless the customer's lines or piping are installed in such a manner as to prevent cross connection or backflow.

**SECTION 3.00            CUSTOMER'S DEPOSITS**

- Section 3.01            All applicants shall make a cash deposit to secure payments for service.
- Section 3.02            All applicants shall complete and sign the standard department application.
- Section 3.03            Deposits for new accounts are in accordance with the currently adopted Fee Schedule.
- Section 3.04            The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- Section 3.05            A separate deposit is required for each meter installed.
- Section 3.06            Upon discontinuance of service for non-payment of bills, the deposit shall be applied by the Town toward settlement of the account. Any balance shall be refunded to the customer; however, if the deposit is not sufficient to cover the bill, the Town shall proceed to collect the balance in the usual way provided by law for the collection of debts. This may, at the discretion of the Town, include the use of a collection agency. Service shall be restored only by payment of the balance, if any, of the outstanding bills, and when a new deposit is made on the basis of the deposit schedules above. A reconnection fee shall be charged for each meter reconnected during normal working hours in accordance with the currently adopted Fee Schedule. There shall be NO reconnections made for services cut-off for delinquent payments after normal business hours.
- Section 3.07            Water Department Technicians are NOT authorized to collect any fees or payments at any time.
- Section 3.08            When current accounts are discontinued and all bills are paid, the remaining portion of the deposit shall be refunded. When a renter moves out and terminates his water service, the account shall revert automatically back into the property owner's name who shall be responsible for the monthly charges thereafter accruing until the property is re-rented.
- Section 3.09            The Town of Atlantic Beach shall require that where property is

divided into separate units for the purpose of rental and the property is served by only one meter, the Town shall require that the water account be placed in the name of the owner or the realty company handling the rentals who shall be responsible for all water bills incurred at this location.

Section 3.10

The Town of Atlantic Beach shall refund deposits after one (1) year of good payment history with the Town. This shall consist of both not having any Town services terminated for non-payment and not being delinquent in payment for Town services.

**SECTION 4.00      POINT OF DELIVERY**

Section 4.01            The point of delivery shall be the point where the meter is located, normally at the customer's property line.

**SECTION 5.00      CUSTOMER'S RESPONSIBILITIES, INCLUDING BACKFLOW PREVENTION**

Section 5.01            All meters, service connections, and other equipment shall be and remain the property of the Town of Atlantic Beach. Owners of the premises shall provide a space for such property and equipment, and in the event of loss or damage to such property, including meter boxes and lids, arising from the owner's negligence or the negligence of the owner's agents, assigns, lessees, tenants, or persons on the property with the consent of the owner, the owner shall pay the costs of repair or replacement of the damaged property or equipment.

Section 5.02            All water services shall incorporate a backflow prevention device. The Public Works Director shall determine the type of device required. In all cases, the requirements of Section .1006(b) of the "Rules Governing Public Water Supplies", as amended, shall be met.

Section 5.03            If the Town determines that a backflow prevention device needs to be repaired or replaced to ensure the safety of the Public Water Supply, the device shall be repaired or replaced as necessary by the customer.

## **SECTION 6.00      RIGHT OF ACCESS**

Section 6.01            Duly authorized agents of the Town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing Town property, inspecting piping, testing meters, or any other maintenance purpose required for the proper operation of the Town's water system and facilities.

Section 6.02            In the event that it is necessary, in order to furnish service to the user under the provisions of this Policy, for the Town's property or employees to enter upon the owner's property, then in that event, the owner does grant to the Town, its agents, and employees, a right-of-way for the purposes of servicing, repairing, installing, removing, or for any other purpose necessary for the Town to provide the services as set out herein.

Section 6.03            The property owner shall not permit any object, including, but not limited to, shrubbery, trees, fences, pampas grass, etc. to obstruct the access to water meters for reading or maintenance.

## **SECTION 7.00      METER READING**

Section 7.01            All meters shall be read monthly. If a meter reading is unavailable due to circumstances beyond the Town's control, an estimated reading shall be made and the billing shall be based on the estimated reading. The billing shall be adjusted to the actual consumption when a reading is obtained during the next billing period.

Section 7.02            It is the customer's responsibility to ensure that parked vehicles, piles of soil or trash, vegetation, or any other obstacle shall not obstruct water meters. The customer shall pay a charge in accordance with the currently adopted Fee Schedule per attempted reading in the event the Town is required to send personnel to read the meter a second or subsequent time because the meter was obstructed and unavailable to be read. The Town shall only attempt one re-read trip per day, and shall attempt to contact the customer so that the problem can be corrected prior to any attempts to re-read the meter.

## **SECTION 8.00      MINIMUM MONTHLY BILLING**

- Section 8.01            The minimum monthly meter charge shall be the regular minimum for the particular meter size as set out in Section 19 of this policy.
- Section 8.02            The minimum monthly charge assessed to each unit of a multiple unit establishment for service from a single meter shall be equivalent to the monthly service charge for a single 3/4" meter and service as set out in Section 19 of this policy.
- Section 8.03            Multiple units served by a single meter include mobile home parks, apartments, condominiums, etc. The account for such units shall be billed the minimum monthly unit charge multiplied by the number of units located at the establishment per month, or usage based on the meter size as set out in Section 19 of this policy, whichever is greater.
- Section 8.04            Hotels and Motels shall be billed at the rate of one minimum monthly unit charge for every three (3) rooms at the establishment, or usage based on the meter size as set out in Section 19 of this policy, whichever is greater.
- Section 8.05            Campgrounds and recreational vehicle parks shall be assessed the minimum monthly unit charge for every two (2) spaces or hook-ups at the campground/park, or usage based on the meter size as set out in Section 19 of this policy, whichever is greater.
- Section 8.06            Restaurants shall be billed at a minimum unit charge for every twenty (20) seats, or usage based on the meter size as set out in Section 19 of this policy, whichever is greater.
- Section 8.07            Any building, structure, or complex having a sprinkler system, which is fed through an unmetered line, shall pay a fee for each such sprinkler head per year, due and payable with the November water billing each year in accordance with the currently adopted Fee Schedule.
- Section 8.08            Any complex or developed property having fire hydrant(s), which are fed through an unmetered line, shall pay a fee hydrant per year, due and payable with the November water billing each year in accordance with the currently adopted Fee Schedule.

## **SECTION 9.00      WATER RATES OUTSIDE MUNICIPAL LIMITS**

### Section 9.01

Persons, firms, or corporations receiving municipal water at locations lying outside the municipal limits of the Town of Atlantic Beach shall be charged at a rate of two (2) times the rate in force at the time for residents of the Town.

## **SECTION 10.00 COLLECTION CHARGES (DELINQUENT ACCOUNTS)**

- Section 10.01 Consumers will be billed a monthly minimum plus the amount of water metered over the allotted minimum, in accordance with the Department rate schedule. This minimum charge shall be based on the sum of the number of units on the premises. The minimum water usage allowed shall be that which would be equal to the number of units times the allotment for a 3/4" meter.
- Section 10.02 Failure to receive bills or notices shall NOT prevent such bills from becoming delinquent or relieve the customer from payment.
- Section 10.03 Water bills are mailed on the last working day of each month and a billing date is clearly printed on the bill. Payment is due on the 18<sup>th</sup> of each month. Automatic Bank Drafts will be processed on the 17<sup>th</sup> of each month. If the 18<sup>th</sup> falls on a week-end or holiday, the next working day will be the new due date. After that a 10% late fee will be added to the bill.
- Section 10.04 Service disconnected/reconnect for non-payment of bills shall be restored only after all bills are paid in full. A service charge shall become due immediately for each account disconnected or reconnected in accordance with the currently adopted Fee Schedule. There shall be NO services re-connected after normal business hours.
- Section 10.05 Bills may be mailed in, paid by automatic bank draft, paid in person at Town Hall during normal business hours, or placed in the depository box next to the Town Hall front door after office hours. Water Department Technicians are NOT authorized to accept ANY payments.
- Section 10.06 There shall be a service charge for returned checks or bank drafts in accordance with the currently adopted Fee Schedule. The account will be debited for the amount of the returned item plus the service charge and the customer will be notified.
- Section 10.07 Any account which remains on the disconnect list for 30 days will be closed and a final bill will be mailed. If the final bill is not paid within 30 days from the billing date, it will be turned over to a collection agency.

## **SECTION 11.00 CONSUMER SERVICE LINE LEAKS (ADJUSTMENTS)**

- Section 11.01 Adjustments may be made to bills only under the following conditions:
- A. On a concealed leak in the customer's piping an adjustment may be made upon receipt of a statement from a licensed plumber that the leak has been repaired.
  - B. On a concealed leak in the customer's piping an adjustment may be made upon receipt of a signed statement from the property owner or his legal representative that the repair meets or exceeds the plumbing codes of the Town.
- Section 11.02 When Water Department personnel discover that a leak exists, and the owner is notified of the same, the owner shall take immediate steps within seven (7) days to correct the situation. Undue delay by the owner shall cause forfeiture of the benefits of adjustments.
- Section 11.03 If the bill qualifies for an adjustment, the adjustment will be calculated at fifty (50%) percent of the charge which exceeds the average monthly water charge for that account. If the leak occurred during a period which overlaps two consecutive billing periods, both bills may be adjusted on a case-by-case basis.
- Section 11.04 The gallons billed must be at least 5,000 gallons over the average usage, or 5,000 gallons over the number of gallons allowed for a minimum bill, whichever is greater.
- Section 11.05 The leak **MUST** be a concealed leak. The following are **NOT** considered to be concealed: leaking or running commodes, treatment systems, inside or outside faucets, exposed piping, outdoor showers, hose bibs, water fountains, dishwashers.
- Section 11.06 The record owner of property to which water service is supplied shall be responsible for the repair, maintenance, or replacement of any leaks occurring in the owner's system without regard as to whether the property is occupied by the owner, a tenant, or is unoccupied. Each owner shall be responsible for a tenant's use of plumbing fixtures, pipes, and other water using equipment located on the owner's property.

## **SECTION 12.00 METER TESTING**

Section 12.01 Meters shall be tested at the request of the customer upon payment to the Water Department of a service charge in accordance with the currently adopted Fee Schedule provided however, that if the meter is found to over-register beyond 7% of the correct volume, no charge should be made. Water Department Technicians shall make a reasonable attempt to test the meter while the customer or his designated representative is present.

Section 12.02 A leak test at the request of a customer shall be performed within a reasonable amount of time. A reasonable attempt shall be made by Water Department Technicians to have the customer or his designated representative present while the leak test is performed. If a concealed leak is found, the customer shall be informed, and there shall be no charge. If no leak is found, or if the leak is not a concealed leak, the customer shall be informed, and a service charge shall be billed to the customer in accordance with the currently adopted Fee Schedule.

## **SECTION 13.00   CONNECTS AND DISCONNECTS**

- Section 13.01           The Water Department shall connect or disconnect water service, at the customer's request, at a service charge in accordance with the currently adopted Fee Schedule to be billed to the customer for each service trip by the technician. However, there shall be no service charge for disconnection due to leaking services.
- Section 13.02           An Availability Fee shall be charged to any property owner who has chosen not to connect to Town water service. This availability fee shall be fifty percent (50%) of the minimum monthly charge as set forth in Sections 8 and 19 of this policy. This fee is implemented for the fire and public utility system services that are provided year-round to property owners, including, but not limited to, availability of hydrants, fire flow, and fire insurance rating.
- Section 13.03           An Availability Fee shall be charged to any property owner who has requested, or whose tenant(s) has requested, to disconnect from Town water service for any period of time. This availability fee shall be fifty percent (50%) of the minimum monthly charge as set forth in Sections 8 and 19 of this policy. This fee is implemented for the fire and public utility system services that are provided year-round to property owners, including, but not limited to, availability of hydrants, fire flow, and fire insurance rating.
- Section 13.04           Enforcement procedures for collection of availability fees will be those procedures set forth in Sections 17 and 18 of this policy.

## **SECTION 14.00 CHANGE OF OCCUPANCY**

- Section 14.01 Not less than three (3) working days notice must be given in person, or in writing, at the Water Department's Office, to discontinue service for a change of occupancy.
- Section 14.02 The outgoing party shall be responsible for all water consumed up to the time specified for departure, or the actual departure, whichever period is longer.

## **SECTION 15.00    RESALE OF WATER**

- Section 15.01            A consumer shall not supply more than one residence from one meter. Residential multi- dwellings (apartments, condominiums, and motels) may be serviced through one meter of sufficient size and capacity as determined by the department. Each meter shall serve only one such building, unless otherwise permitted by the Water Department in writing. Liability for payment of water usage shall be the responsibility of the owner(s) of said buildings or the person in whose name the application is made.
- Section 15.02            Trailer courts or trailer parks may be serviced through one meter of sufficient size and capacity as determined by the Town. The liability for payment of water bills and fees shall be the responsibility of the owner(s) of said property.

**SECTION 16.00 PRIVATE WATER SYSTEMS; CROSS CONNECTIONS WITH THE TOWN WATER SYSTEM PROHIBITED**

- Section 16.01 Where a public water supply line is not used, cooking, sanitary, and other facilities requiring potable water shall be connected to a private water system complying with the requirements of all appropriate State and Local regulatory agencies.
- Section 16.02 There shall be no physical connection (cross connection) between any privately owned water source and the Town water system. The existence of such a cross connection shall be cause for the immediate termination of water service.
- Section 16.03 The owner(s) shall operate and maintain any private water facilities in a sanitary manner at all times, at no expense to the Town.
- Section 16.04 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by other Federal, State, or Local agencies.
- Section 16.05 At such time as the owner of a private water system shall desire to obtain municipal water service, he shall apply through all normal procedures described within this Policy.

## **SECTION 17.00 ENFORCEMENT AND SUSPENSION OF SERVICES**

- Section 17.01      The Public Works Director shall endeavor to assure compliance with the requirements of these regulations by conference and persuasion. If such efforts, over a reasonable period of time, are futile, the Town shall take formal action as provided hereafter.
- Section 17.02      In any case involving a person who is receiving water service from the municipal water system, and where the Public Works Director, after consulting with the Town Manager, finds that such person has failed to comply with any of these Regulations, the procedure for enforcement shall be as follows:
- A.      The Public Works Director shall give notice to such person by certified mail, return receipt requested, stating the specifics of the failure of compliance and requiring that the person remedy the failure within seventy-two (72) hours.
  - B.      The Public Works Director may thereupon, without further notice, cause the water service from the municipal water system to be discontinued for such person.
  - C.      In any case where the Town for enforcement purposes discontinues water service, the restoration of such service shall be conditioned on full compliance by such person and payment of any expense incurred in the enforcement proceeding and in the restoration of service.
  - D.      The Town may, at its discretion, continue or restore service in a case of failure of compliance on condition that such person furnish a bond or other security, with terms as specified by the Town, to hold harmless the Town from any loss or expense that it may incur as a result of such noncompliance or any future noncompliance.
- Section 17.03      In any case where the Public Works Director determines that the health or safety of the public is threatened by the actions of a consumer, water service shall be immediately terminated to that consumer. The Public Works Director shall then notify the consumer, by certified mail, return receipt requested, of the reason for the termination of service, and the corrective measures necessary prior to the resuming of service. In no case shall the Town or its representatives be held liable for any damages resulting from such a termination of service.

Section 17.04 In any case involving a person who fails to comply with any of these Regulations, but who is not receiving water service from the municipal water system, the Public Works Director shall give notice to such person by certified mail, return receipt requested, stating the specifics of the failure of compliance and requiring that the person promptly remedy the failure. At the same time, the Public Works Director, in consultation with the Town Manager, shall report the facts of such case, in writing, to the Town Board, and to such other government agencies, as may have jurisdiction and power to take appropriate enforcement action.

Section 17.05 The Town reserves the right to terminate water service without notice for the following reasons:

- A. To prevent fraud or abuse.
- B. Consumer's failure to pay bills and fees as required by this Policy.
- C. Emergency repairs.
- D. Insufficiency of supply due to circumstances beyond the Town's control.
- E. Legal Processes.
- F. Direction of higher public authorities.
- G. Strike, riot, fire, flood, storm, accident, or other unavoidable cause.
- H. Discovery of a cross connection between a private or non-potable source and the Town water system.
- I. Consumer's willful disregard of the Town's Policy.

Section 17.06 If any person(s) alters, tampers with, or bypasses the Town's water service or meter(s) in a manner that causes such meter(s) to inaccurately measure and register the water consumed or which would cause the water to be diverted from the recording apparatus of the meter(s), or who tampers with any water service which has been disconnected by the Water Department for any reason, then said meter(s) shall be immediately removed and water service to said property or premises shall be halted. Service to said property or premises shall not be reinstated until a required service reconnection

fee in accordance with the currently adopted Fee Schedule has been paid in addition to any damages done to said meter(s). Nothing in this paragraph shall be construed to prevent the Town from pursuing criminal or civil actions against any person(s) who alters, tampers with, or attempts to bypass a water meter in accordance with the provisions of North Carolina General Statute 14-151.1.

Section 17.07

In cases of wanton and willful damage, the Town shall commence criminal proceedings under the appropriate State law.

## **SECTION 18.00 AUTHORITY AND AMENDMENT**

- Section 18.01           The Town Board of the Town of Atlantic Beach shall be the reviewing authority for all appeals of actions or administrative determinations under the provisions of these regulations. Notice of intent to appeal and request for a hearing shall be addressed to the Town Clerk in writing and shall detail the nature of the appeal. The appeal shall then be placed on the agenda of the next regularly scheduled meeting of the Town Board, and the appellant promptly notified in writing. The decision of the Town Board after such a hearing shall be final and conclusive, and shall be conveyed to the person(s) involved in writing.
- Section 18.02           The Town Board expressly reserves the absolute right to amend, modify, rescind, or supplement these regulations.
- Section 18.03           No modifications of rates, or any of these rules and regulations by any employee of the Town shall be binding upon the Town except and unless it has been agreed in writing, signed, and accepted by the Town Board.
- Section 18.04           Upon adoption of this water policy, any previous and conflicting policies and ordinances are hereby repealed.

## **SECTION 19.00 TABLE OF WATER RATES**

Monthly utility rates and associated minimum gallons are based on meter size in accordance with the currently adopted Fee Schedule.

All water usage over the minimum allowed usage shall be billed per thousand (1,000) gallons in accordance with the currently adopted Fee Schedule.

### **Section 19.01 Special Water Use:**

A hydrant meter is available for use in filling swimming pools, construction purposes, etc. Water used will be billed in accordance with the currently adopted Fee Schedule per 1,000 gallons. There will also be a per hour charge per Technician, if required, on site in accordance with the currently adopted Fee Schedule.

In the event that the customer fails to pay the bill in a timely manner, or if any Town equipment is damaged while being used by the customer, the customer will thereafter be charged a refundable deposit for Special Water Use in accordance with the currently adopted Fee Schedule.

## **SECTION 20.00 WATER TAP FEES**

Section 20.01 Tap fees are based on meter size in accordance with the currently adopted Fee Schedule.

Section 20.02 The Town does not have the equipment for installing taps greater than 2" in size. Therefore, these taps must be made by a contractor, under the supervision of the water department, at the expense of the customer. The Town shall charge a supervision fee for each such tap installed in accordance with the currently adopted Fee Schedule per hour.

Section 20.03 The following fees shall also be charged in addition to the applicable tap fee:

- A. Any installation, which requires a bore under a street, shall have a fee accordance with the currently adopted Fee Schedule.
- B. Any installation, which requires an open, cut of a street shall have a fee-in accordance with the currently adopted Fee Schedule.

## **SECTION 21.00 WATER SERVICE IMPACT FEES**

Section 21.01 The Town of Atlantic Beach is required to maintain and upgrade its water system for fire protection, supply and storage capacity, and to meet health and safety regulations established by State and Federal agencies. Impact fees are over and above any other fees required by the Town of Atlantic Beach for the connection to the municipal water system, and shall be required for all new or modified services.

Section 21.02 Fee Table:

Impact Fees shall be charged for each given service connection size in accordance with the currently adopted Fee Schedule. A separate fee shall be due for each service connection.

Section 21.03 The purpose of impact fees is to build a capital reserve fund for required system modifications, upgrades, and expansions.

Section 21.04 Impact fees, tap fees, and all other fees and deposits shall be paid in full before any Certificate of Occupancies will be issued. No impact fee shall be assessed for a building permit, which does not involve new or modified water service.

One time trade-in impact fee set-off, up to, but not more than the amount of replacement meter impact fees. Tap fees and deposit fees are separate and not applied toward or included within the set-off.

## **SECTION 22.00    EXTENSION REQUIREMENTS**

- Section 22.01            From and after the effective date of this policy, any property owner(s) desiring water service from the Town of Atlantic Beach Water Supply System in areas where it is not presently provided shall apply in writing to the Town Council requesting the extension of water service. No requests for the extension of service shall be considered unless submitted in writing in accordance with the requirements of this policy.
- Section 22.02            The Town shall require the applicant to submit as part of the written application such information, plans, or data as may be required to adequately determine if the requirements of this policy are to be met. Plans and specifications shall be prepared by a Registered Professional Engineer and shall be suitable for submission to State Division of Health Services for approval. Materials and equipment to be used in the extension shall be of the same type and standards used in the Town system unless otherwise approved by the Town.
- Section 22.03            When application is made for water extension 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 or owners 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. No extension to the Water System shall be made without approval of the Board of Commissioners, and no application shall be approved except in accordance with the requirements of this policy.
- Section 22.04            The minimum distance for any extensions of a water main shall be determined by the Public Works Director. In general, the minimum distance for extensions shall be not less than one platted block, or in any case where such extension is possible, it shall not be less than the distance to connect both ends of the extension to an existing water main, whenever the physical conditions of the proposed extension will permit.
- Section 22.05            The size of water mains to be installed and other required system facilities shall be determined by the Town Council in accordance with the recognized standards and accepted engineering practices and design.

Section 22.10 Financing of system extensions and extensions to existing approved subdivisions and existing developed property.

Section 22.11 When application is received, estimated cost of the project determined and approved by the Town, then subject to the availability of funds, the Town will install the extensions or have them installed by contract under its supervision in accordance with approved plans.

Section 22.12 When the approved extensions have been completed and the total cost has been determined, a percentage of the total cost shall be assessed against the property owners whose property is served by the extension at an equal rate per front foot in accordance with and under the authority of Article 10 of Chapter 160 A of the General Statutes of North Carolina.

Section 22.13 Any property owner shall have the opportunity to pay his proportionate share of the cost in full or in equal annual installments with interest as required by statute.

**Section 22.20 Extensions to Proposed Developments or Subdivisions**

Section 22.21 When an application is received for extension of service to proposed property which has not been approved by the Town, the estimated cost of the project will be determined, and, if approved by the Town, the Town will install the extension or have them installed by contract and under its supervision.

Section 22.22 The property owner and/or developer shall pay 100% of the project cost of the proposed extension prior to the Town beginning construction.

Section 22.23 If the Town determines that it is advisable to install larger size mains than are necessary to serve the property to which such extension is requested, the difference in the cost of the larger size mains over and above the cost of the mains required to serve the said property shall be paid for by the Town and excluded from the total cost to be shared by the property owner and/or developer.

**Section 22.30 Extension Outside Town Limits**

Section 22.31 All applications for water extensions outside the corporate limits shall be made in the same manner and with the same requirements as provided in the Checklist for Water Line Extensions.

Section 22.32 If the application is approved by the Town, the developer will install the mains in accordance with the approved plans.

Section 22.33 The developer shall be required to make the extensions and bear 100% of the entire cost of installation.

Section 22.34 No reimbursement shall be made by the Town upon annexation and all extensions connected to the Town system shall become the property of the Town at the time such extensions are connected.

**Section 22.40 Specifications, Ownership**

Section 22.41 Any water mains extended under the provisions of this policy shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the Town. All facilities installed under the provisions of this policy shall become the sole property of the Town and under its jurisdiction and control for any and all purposes whatsoever at the time such facilities are installed. The cost borne by individual property owners shall be executed prior to the time any extensions are provided and connected to the Town System.

**Section 22.50 Additional Subdivision Improvement Requirements**

Section 22.51 The Town Council may in its discretion, as a condition under which water service will be extended, require the owner(s) of a proposed subdivision to enter into an agreement to improve the proposed street therein at their own expense and in accordance with the ordinances then in force governing the acceptance of public streets within the Town.

**Section 22.60 Forms and Specifications**

Section 22.61 The Town of Atlantic Beach will provide a package of required forms for water line extensions. The applicant will also be provided with a copy of the Town's materials, specifications and construction methods and requirements. This package is collectively known as the Checklist for Water Line Extensions.