

**TOWN OF MOUNT PLEASANT
CODE OF ORDINANCES**

PART 5: MUNICIPAL UTILITIES
(as amended through March 14, 2022)

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CHAPTER 1: WATER SUPPLY & DISTRIBUTION

Section 5-1.1 Board to Regulate Water System

The water system of the Town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all rules and regulations governing all connections with the water system shall be vested in, the Board or its authorized agent.

Section 5-1.2 Permit for Connection Required

No person, firm, or corporation shall connect with the water system of the Town until they shall have made application for permission to so connect in writing to the Clerk, and this application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed. Such application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus, showing the location of all the fixtures, traps, ventilating pipes, etc., and shall state the name of the street and the name of the person, firm or corporation.

Section 5-1.3 Separate Connections Required; Tap-on Fee

- A. Each individual business or residential building or structure shall install a separate water connection by direct tap into the main line. The fee for connection to the Town water system time shall be determined from to time by the Board and kept on file in the office of the Town Clerk.
- B. All new in-ground irrigation systems installed after application of this section that will be supplied water from the Town water system shall be independently connected to the system and water consumption shall be measured through a separate irrigation meter. An irrigation service line may be installed by a direct tap into the main (separate tap) or by a split line off the non-irrigation service line at a point between the main and the non-irrigation meter (split tap). Either method of connection shall be performed by the Town Public Utilities Department. An irrigation service line, the irrigation meter and all related appurtenances shall be installed in accordance with the same regulations, policies and procedures that apply to non-irrigation meters.

(Amended 10/5/09)

Section 5-1.4 Water required

All owners of improved property located within the corporate limits and within one hundred (100) feet of any water line owned and operated by the Town shall connect their premises with the Town water system.
(Amended 3/14/2022)

Section 5-1.5 Use of Town water/Fire Hydrants

No person shall take or carry away water from any Town property, fire hydrant, or outlet, except the designated hydrant at Town Hall after having set up an account with the Clerk.
(Amended 3/14/2022)

Section 5-1.6 Utility rates; cutting off water

- A. Water rates, deposits, late payment charges, connection and reconnection charges and regulations incident thereto shall be determined from time to time by the Board and shall be kept on file in the office of the Clerk.

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- B. All charges for water and, or sewer service supplied by the Town shall be made monthly and shall be due and payable in accordance with the due date printed on the bill.
- C. Customers shall adhere to the following billing schedule:
 - 1. If any charges shall remain unpaid following the due date of the bill, as posted on the bill and determined from time to time by the Board of Commissioners, a late payment charge will be applied to the account. This late fee will be determined by the Board and listed in the Schedule of Fees and Charges. This late fee will be applied without notice to the customer.
 - 2. If a bill is unpaid after the 5th day of the month which follows the month of the due date of the bill, service may be cut off by the Town staff in accordance with policies and procedures established by the Board of Commissioners. The outstanding balance, plus all penalties and interest, shall be paid before water service is restored.
- D. It shall be unlawful for any person other than a person authorized by the Town officials to cut off the Town supply of water.

(Amended 12/06/2010, 3/14/2022)

Section 5-1.7 Tampering with or obstructing water lines prohibited

No person shall touch, tamper with, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the Town, nor shall any person tamper with or harm in any manner whatsoever any water storage tank, filter No person shall throw or deposit any material or substance in any water line that will in any manner obstruct such line.

(Amended 12/1/1958)

Section 5-1.8 Private water supply regulated

All private water supplies are subject to approval and analysis by the Cabarrus Health Alliance Division of Environmental Health and/or the North Carolina Department of Environmental Quality (NCDEQ), as applicable.

(Amended 3/14/2022)

Section 5-1.9 Water Superintendent

At the direction of the Town Manager, the Public Works Director and Water Plant Supervisor shall share the duties of Water Superintendent and supervise the entire water system of the Town.

(Amended 3/14/2022)

Section 5-1.10 Work on water system

All work on the water system and all connections or disconnections thereto shall be performed by the authorized employees of the Town or their representatives or contractors approved by the Town. All work shall be performed in accordance with Town standards, North Carolina Department of Environmental Quality (NCDEQ) regulations, and North Carolina Building Code, as applicable. Any work performed in a state-maintained street right-of-way shall comply with North Carolina Department of Transportation (NCDOT) regulations.

(Amended 3/14/2022)

Section 5-1.11 Owners of more than one house

Any property owner having more than one (1) house using water from the same water tap shall be responsible for water bills for all the houses.

Section 5-1.12 Non-payment of bills.

When the water that is being used by any person, firm, or corporation has been scheduled for cut off because of the non-payment of the water or sewer account, such person, firm, or corporation shall pay a fee fixed by the Board and kept on file in the office of the Clerk before water shall be turned back on. (Amended 12/06/2010)

State Law Reference: Discontinuance of service for delinquency. NCGS 160A-314.

Section 5-1.13 Resale of water

No residence, firm or corporation shall resale water for any other residence, firm or corporation through any one (1) meter at a higher rate than is charged by the Town. Master water meters for building groups are permitted, provided that a single entity is responsible for payment and costs are a pass-through of the applicable charges from the Town. (Amended 3/14/2022)

Section 5-1.14 Access to property

The Superintendent or designee shall at all reasonable hours have free access to all premises for the purpose of examining hydrants, fixtures or connections on which Town water pressure is maintained. (Amended 3/14/2022)

Section 5-1.15 Adjustment of bills for meter error and major water leaks

- A. Adjustment for inaccurate water meter readings: By recommendation of the Superintendent, the Town Clerk may adjust and settle inequitable and abnormal water bills due to meter error.
- B. Adjustments for major leaks in the customer's plumbing: If the Superintendent discovers and verifies a leak in the customer's plumbing that resulted in a meter reading with water usage 400 percent above the customer's average consumption for the previous six (6) months, the customer's charges may be modified in accordance with this subsection. The customer shall show proof (receipts for parts purchased or a plumber services) that the leak has been repaired. The customer shall complete the "Leak Adjustment Form" available in the office of the Town Clerk. The water customer shall also be a sewer customer. The sewer portion of the bill shall be adjusted for the leak based on the customer's average consumption for the previous six (6) months. A modification of a water bill, due to a major leak, may only be granted to a residence once within 365 days.

(Ord. adopted 5/4/2009, Amended 3/14/2022)

Section 5-1.17 Meter accuracy and test rates

The Town shall test or cause to be tested and make a thorough examination of water meters and all fixtures where so desired by the consumer under the following conditions:

- A. Should the test of meter and inspection prove the excessive bill to be caused by negligence of the Town, or inaccuracy of the meter, then the expense of said investigation shall be borne by the Town.

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- B. Should the test and inspection prove to be the fault of the consumer or any person not connected with or in the employment of the Town, then the actual cost of said investigation is to be borne by the consumer making the protest and asking for the inspection, said actual cost to be fixed by the Board.

Section 5-1.18 No in-town meters for out-of-town users

No person outside of the Town shall be allowed to connect to the Town water line by setting the meter inside the Town limits.

(Ord. adopted 2/1/1954)

Section 5-1.19 Water Emergency Management

- A. The term “water emergency” shall be defined as any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment and distribution systems of the municipal, commercial and industrial customers. The Town Manager or designee shall make determination of whether specific situations are considered to be water emergencies after consultation with the utility department head. Water emergency situations shall include, but are not limited to, drought, or periods of insufficient raw water supply and fires or a magnitude, such that system integrity is threatened.
- B. The Water Superintendent or designee will be Backflow Administrator.
- C. Declaration of water emergency. The Town of Mount Pleasant Board of Commissioners, after consultation with the Water Superintendent and Town Manager, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency; voluntary (level I), mandatory (level II or III) or mandatory (level IV) staged water use restrictions as described in subsection (d) of this section shall be imposed upon customers.
- D. Staged water use restrictions.
 - 1. Level I. Level I Voluntary Water Conservation will be declared when the usable raw water storage level at Black Run Creek Reservoir is less than eighty percent (80%) of full capacity. During a declared level I water emergency, the following voluntary water conservation practices shall be encouraged for the public water system served by the Town:
 - a. Water of lawns, ornamental plants and gardens shall be limited to that necessary for plant survival only.
 - b. Planting of new ornamental plants and seeding of lawns should be deferred until the water emergency situation no longer exists.
 - c. Household water should be reutilized to the greatest possible extent for watering.
 - d. Use of water for wash down of outside areas such as driveways or parking lots should be curtailed.
 - e. Faucets should not be left running while shaving, brushing teeth or washing dishes.

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- f. The use of clothes and dishwashers should be limited if possible and these units should be operated with full loads when used.
 - g. Washing of cars or other vehicles should be curtailed to Saturdays or Sundays. Hoses should not be left running while washing vehicles.
 - h. The use of flow restrictions and other water saving devices is encouraged.
 - i. Showers should be used for bathing and showers should be limited to four (4) minutes or less.
 - j. Filling of pools shall be deferred or limited to hours between 9:00 p.m. and 6:00 a.m.
 - k. Any practice listed in this subsection (D)(1) may be modified or additional practices added at the discretion of the Water Superintendent.
2. Level II. Level II Mandatory Water Restrictions will be declared when the usable raw water storage level at Black Run Creek Reservoir is less than sixty percent (60%) of full capacity. During a declared Level II water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town:
- a. All voluntary practices listed in subsection (D)(1) of this section shall be mandatory unless stricter measures are indicted in this section.
 - b. Residents will be allowed to use water for outdoors activities on Tuesday s and Fridays only. They may only use handheld hoses with spring-loaded nozzles. Professional and commercial landscaping, nursery and pressure washing businesses with Cabarrus County Privilege Licenses may resume operations using handheld hoses with spring-loaded nozzles.
 - c. Planting of new ornamental plants or seeding of lawns shall be deferred until the water emergency no longer exists.
 - d. Use of water for washing down of exterior areas, including but not limited to buildings, driveways, and/or parking lots, shall be prohibited unless the requirement of subsection (2)(e) below are met.
 - e. Public commercial washing structures including those providing hand held washing nozzles may continue normal operation. However, the facility owner/operator shall ensure that waste of water does not occur. All drawing of water shall be prohibited.
 - f. Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s).
 - g. Commercial, industrial and construction operations shall eliminate all possible waste of water.
 - h. Newly constructed or drained pools shall be filled only on Tuesdays or Fridays. A permit must be obtained from the Backflow Administrator.

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- i. Any practice listed above may be modified or additional practices added at the discretion of the Town of Mount Pleasant Board of Commissioners.
3. Level III. Level III Mandatory Water Restrictions will be declared when the useable raw water storage level at Black Run Creek Reservoir is less than forty percent (40%) of full capacity. During a declared level III water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town:
 - a. All practices listed in Level I and Level II shall remain in effect unless stricter measures are indicated in this section.
 - b. Restaurants and other food serving establishments shall utilize single serving utensils and plates, and serve water only at the patron(s) request.
 - c. Large scale commercial and industrial water customers and construction activities utilizing five thousand (5,000) or more gallons of water per day shall achieve mandatory reduction in daily water usage of twenty-five (25), fifty (50), or seventy-five (75) percent through whatever means available. The target reduction percentage shall be determined by the severity of the Water Emergency, and shall be publicly announced as part of the emergency declaration. The Water Superintendent shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted by the Water Superintendent to designated public health facilities, including, but not limited to, hospitals and nursing homes.
 - d. Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the Town Staff.
 - e. Any practice listed above may be modified or additional practices added at the discretion of the Water Superintendent.
4. Level IV. Level IV Mandatory Water Restrictions will be declared when the useable raw water storage level at Black Run Creek Reservoir is less than twenty-five percent (25%) of full capacity. During a declared level IV water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the Town:
 - a. All use of water for purposes other than maintenance of public safety is prohibited.
 - b. Where the Town system is not functional, daily per day residential water use shall not exceed 300 gallons at each metered location.
 - c. Where the Town system is not functional, National Guard and emergency service vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.
 - d. Compliance plan for industries during level IV remains the same as level II or as directed by the state public health officials. Such plans shall be submitted to the city water resources

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department within ninety (90) calendar days from the adoption of this section. Plans shall be updated at least every five (5) years.

- e. Any practices listed in this subsection (d)(4) may be modified or additional practices added at the discretion of the Town Board of Commissioners.

E. Temporary suspension of zoning clearance permits and/or divisions of land.

1. Duration. During a declared mandatory (Level II, III or IV) water emergency, the Town Board of Commissioners may direct that the issuance of Zoning Permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage be temporarily suspended for the duration of the water emergency.
2. Exceptions. Notwithstanding subsection (E)(1) of this section, water connections to the water system owned by the Town may continue to be made during a declared mandatory water emergency for the following facilities:
 - a. Public schools satisfying compulsory education requirements of the state.
 - b. Public facilities for police, sheriff, fire or emergency medical services.
 - c. Hospitals.
 - d. Facilities of public utilities regulated by the State.
3. Misdemeanor. It shall be unlawful to make any water service connection, not subject to the exceptions set forth in subsection (E)(2) of this section to the water system owned by the Town during the time that Zoning Permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage are temporarily suspended. In addition to the civil penalties provided for in subsection (f)(1) of this section, any person, firm, or corporation who shall make such connection during such time shall be guilty of a misdemeanor and, upon convictions, shall be punished for a class 3 misdemeanor and shall be fined not more than \$500.00 as provided in N.C.G.S. 14-4.

F. Noncompliance of water emergency management section.

1. Penalties. Any person violating the mandatory provisions of this section shall be issued a civil citation pursuant to section 1-1005 and a penalty not to exceed \$100.00 for residential customers and \$500.00 for commercial industrial users. Each occurrence of a violation of this section shall be considered a separate violation.
2. Discontinuance of service. Pursuant to the provisions of N.C.G.S. 162A-88 and this section, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Tap fees and deposits will be forfeited.

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3. Adoption and enforcement of section provisions. Municipal customers, water corporations or company compliance municipalities, water corporations or companies purchasing water from the city shall adopt and enforce this entire section as a condition of continuing existing water sales agreements. Upon declaration of a water emergency, such municipalities and companies shall enforce the appropriate water use restrictions for the level of declared emergency. Water service to such municipalities and companies shall be terminated for not enforcing the provisions of this section.

(Ord. adopted 10/7/2002, Amended 3/14/2022)

CHAPTER 2: SEWAGE COLLECTION AND DISPOSAL

Section 5-2.1 Board to regulate sewer system

The sewer system of the Town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all rules and regulations governing all connections with the public sewer system shall be vested in the Board or its authorized agent.

Section 5-2.2 Separate connections required; tap-on fee

Each individual business or residential building or structure shall install a separate sewer connection. The fee for making a connection to the Town sewer shall be determined from time to time by the Board of Commissioners.

Section 5-2.3 Use of public sewers required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town or in any area under the jurisdiction of the Town any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for disposal of sewage. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is not located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
- D. Upon completion of any extension of the public sanitary system of the Town, the Clerk shall send official notice to owners of property located within one hundred (100) feet of such extension to make connection with said system within ninety (90) days after such official notice.
- E. The charge made for the cost of the connection to the public sanitary sewer system shall be paid to the Town prior to the time such connection is made.

Section 5-2.4 Sewer rates

Sewer charges of all types shall be determined by the Board and disclosed on the Fee Schedule, which may be amended from time to time by the Board. In determining such charges, the Board may differentiate between properties located within municipality's corporate limits and those outside the municipality's limits. Rates may be determined by monthly water consumption, fixed fee, or any combination of charges necessary to cover the cost of maintaining the sewer system.

(Amended 12/6/ 2010)

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Section 5-2.5 Tampering with or obstructing sewer lines prohibited

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 5-2.6 Sewer Superintendent

- A. At the direction of the Town Manager, the Public Works Director shall serve as the Sewer Superintendent and supervise the sewer system of the Town.
- B. The Sewer Superintendent shall coordinate with the Water and Sewer Authority of Cabarrus County (WSACC) regarding sewer lines and pump stations under WSACC's ownership.
- C. The Sewer Superintendent or designee, shall at all reasonable hours, have free access to all premises for the purposes of examining fixtures or connections to the Town sewer system.

(Amended 3/14/2022)

Section 5-2.7 Work on sewer system

- A. All work on the sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the Town or their representatives or contractors approved by the Town. All work shall be performed in accordance with the Plumbing Code of the State and the Town and such amendments thereto that the Board may from time to time adopt.
- B. Any licenses plumber who shall make any connection with the public sewer shall be held responsible for any damage he shall do the sewer or street. He shall restore the street and/or sewer to as good condition as it was at the beginning of his work.

Section 5-2.8 Sewer connections

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- C. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this article.

Section 5-2.9 Disconnection for failure to pay

- A. All charges for sewer are due and payable in accordance with the due date printed on the bill. Water service shall be disconnected in accordance with Section 5-1.6 of this Part due to non-payment of sewer bills.
- B. In case a person discharging wastes into the Town sanitary sewer system does not procure his water supply from the Town and becomes delinquent in his payment of aforesaid bill of surcharge, his connection with the Town sewer system will be severed and will only be reconnected at his expense. In such case, he shall be found in violation of Section 5-2.3 (a) and subject to penalties as set forth in section 5-2.13 of this Chapter.

(Amended 12/06/2010)

Section 5-2.10 Plans for connections

The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Section 5-2.11 Inspections

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this article.

Section 5-2.12 Inspections of connections

The applicant for the building sewer permit shall notify the Cabarrus County Building Inspection Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Section 5-2.13 Remedies

- A. Any person found to be violating any provision of this article except section 5-2.5 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in (a) shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding fifty dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed as a separate offense.

Section 5-2.14 Grease, oil and sand interceptors

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the Cabarrus Co. Bldg. Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters approved by the Cab. County Health Dept., and shall be located as to be readily and easily accessible for cleaning and inspection.

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- B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 5-2.15 Placing of substances in sewers restricted

- A. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate authority. Industry cooling water or unpolluted process waters may be discharged, upon approval of the North Carolina Department of Environmental Quality, to a storm sewer or natural outlet.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - 1. Any liquid or vapor having a temperature higher than 150 degrees F.
 - 2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
 - 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - 4. Any garbage that has not been properly shredded.
 - 5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 - 6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - 7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injury or interfere with any sewer treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
 - 8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - 9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - 10. Any other substance prohibited by the Water and Sewer Authority of Cabarrus County (WSACC) or the North Carolina Department of Environmental Quality (NCDEQ).

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- C. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- D. The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the waters. Such manhole, when required, shall be accessibly and safely located. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in (b) and (c) shall be determined in accordance with NCDEQ standards.

(Amended 3/14/2022)

Section 5-2.16 Specifications of connections

All connections to the Town's sewer system shall meet the standards of the North Carolina Building Code and the Town's "Standards and Specifications Manual".

(Amended 3/14/2022)

Section 5-2.17 Specification of pipes

All sewer pipes to buildings shall meet North Carolina Building Code.

(Amended 3/14/2022)

Section 5-2.18 Private sewage disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of section 5-2.3, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a permit from the Cabarrus Health Alliance, Environmental Health Division.
- C. A private sewage disposal system shall not become effective until the installation is inspected by the Cabarrus Health Alliance and Cabarrus County Building Inspections Department.
- D. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet if the lot is connected to public water, or less than forty thousand (40,000) square feet if the lot utilizes a well.
- E. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

(Amended 3/14/2022)

Section 5-2.19 Excavation; protection of public; restoration

- A. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- B. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in manner satisfactory to the Town or the North Carolina Department of Transportation (NCDOT), as applicable.
- C. No work shall be performed in a public right-of-way with a permit or encroachment agreement, as applicable.

(Amended 3/14/2022)

Section 5-2.20 Indoor Toilets

Each residential building hereafter erected shall include an indoor toilet, meeting North Carolina Building Code and connected to a public sewer system or permitted private sewage disposal system.

(Amended 3/14/2022)

Section 5-2.21 Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

- 1. "Sewage Works" shall mean all facilities for collection, pumping, treating, and disposing of sewage.
- 2. "Superintendent" shall mean the Public Works Director or his authorized representative or such person or persons as may be designated by the Town Manager.
- 3. "Sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- 4. "Sewer" shall mean a pipe or conduit for carrying sewage.
- 5. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- 7. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 8. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage land polluted industrial wastes.
- 9. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

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10. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
11. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
12. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow of conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any dimension.
13. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
14. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
15. "PH" shall mean the logarithm of the reciprocal of the weight hydrogen ions in grams per liter of solution.
16. "Suspended Solids" shall mean solids that either float on the surface of or are in suspension in water sewage, or other liquids, and which are removable by laboratory filtering.
17. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.
18. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
19. "Person" shall mean any individual, firm, company, association, society, corporation or group.
20. "Shall" is mandatory – "May" is permissive.

(Amended 3/14/2022)

CHAPTER 3: CROSS CONNECTION CONTROL (Backflow Prevention)

Section 5-3.1 Purpose

The purpose of this cross-connection control ordinance is:

- A. To protect the public potable water supply of the Town of Mount Pleasant from the possibility of contamination or pollution, due to back-siphonage or backpressure, by isolation within the consumer's private water system such contaminants or pollutants, which could backflow into the public water system.
- B. To define the authority of the Town of Mount Pleasant as the water purveyor entitled to eliminating all cross-connections, new or existing, within its public water system.
- C. To provide a continuing inspection program of cross-connections which may be installed in the future.

(Ord. adopted 5-4-2009)

Section 5-3.2 Responsibility; Town of Mount Pleasant

- A. The Town of Mount Pleasant Public Works Department will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water supply and includes all of the public water distribution system, and ends at the service connection under the Safe Drinking Water Act. The Public Works Director shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the public potable water system.
- B. When it has been determined that a backflow protection assembly is required for the prevention of contamination of the public water system, the Public Works Director shall notify the owner, in writing, of any such building or premises, to correct within a time set by this article, any plumbing installed or existing that is in violation of this article.
- C. After surveying the private water system the Public Works Director will select an approved backflow prevention assembly required for containment control to be installed at service entrance.
- D. Prior to the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.

Section 5-3.3 Responsibility; customer

- A. The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the Town of Mount Pleasant.
- B. The customer, at his own expense, shall install, operate, and maintain all backflow prevention assemblies specified within this Chapter

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- C. If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this ordinance the Town of Mount Pleasant may assert any available action against the tenant to assure the private water system is brought into compliance with this Chapter.

Section 5-3.4 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

1. "Air gap separation" An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture or toher device and the flood level rim of the receptacle. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than one (1) inch. An approved, air gap separation is an effective method to prevent backflow and shall be considered as a backflow prevention assembly.
2. "Atmospheric vacuum breaker" A device used to prevent back-siphonage, which is designed so as not to be subject to static line pressure.
3. "Backflow" Any reverse flow of water, gas or any other liquid substance or combination into the public water system from any source due to an unprotected cross-connection.
4. "Backflow prevention administrator" An employee of the town designated by the director to administer and enforce the provisions of this Chapter.
5. "Backflow prevention assembly approved" An assembly that has been investigated and approved by the Town of Mount Pleasant Water Resources and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Assoc. (AWWA) or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.
6. "Back pressure" Any elevation of pressure in the down stream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow.
7. "Back siphonage" A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to the atmospheric pressure.
8. "Certified tester" Any individual person who has proven his/her competency to test, repair and overhaul backflow prevention assemblies. This person must hold a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control.
9. "Consumer/customer" Any person, firm, or corporation using or receiving water from the Town of Mount Pleasant public water system.

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10. "Containment" The prevention of backflow from a private water system by an approved, properly functioning backflow prevention assembly, which is installed operated and maintain in accordance with the provisions of this Chapter.
11. "Contamination" An impairment of the quality of the water to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.
12. "Cross connection" Any actual or potential connection or piping arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas or substance which could be harmful or hazardous to the potable water system.
13. "Double check valve assembly" An assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the device and suitable connections for testing the water tightness of each check valve.
14. "Dual check valve" A device composed of two (2) single, independently acting, approved check valves. This is classified as a device and cannot be in-line tested.
15. "Hazard-degree" The evaluation of a hazard within a private water system as moderate or high.
16. "Hazard-high" An actual or potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.
17. "Hazard-imminent" An actual threat of contamination to the public water system that could cause serious illness or death.
18. "Hazard-moderate" An actual or potential threat of damage to the physical components comprising the public water system or a customer's potable water system, or a pollution to the public water system, or to a customer's potable water system.
19. "Pollution" An impairment of the quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.
20. "Potable water" Water from any source, which has been approved for human consumption by the appropriate agency of the State of North Carolina, Town of Mount Pleasant and/or local health agencies.
21. "Pressure vacuum breaker" An assembly suitable for continuous pressure, to be used to provide protection against back-siphonage.
22. "Private water system" Any water system located on the customer's premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either potable water system or an industrial piping system.
23. "Public water system" The potable water system owned and operated by the Town of Mount Pleasant. This system includes all distribution mains, lines, pipes, connections, storage tanks, and other facilities

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conveying potable water from the water treatment plants to the service connection for each customer. *Reduced pressure zone assembly*: An approved, properly functioning assembly containing two, independently acting check valves with a hydraulically operating, mechanically independent pressure differential relief valve located between the first check valve. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The assembly is designed to protect against a high hazard.

24. "Service connection" The terminal end of a service connection from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.
25. "Used water" Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through a point of delivery and is no longer under the control of the water purveyor.
26. "Water purveyor" Owner or operator of a public potable water system providing an approved water supply to the public.
27. "Water supply-auxiliary" Any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.
28. "Water supply-unapproved" Any water supply, which has not been approved for human consumption by the North Carolina Department of Human Resources.

Section 5-3.5 Right of entry; Authorization

- A. Any authorized representative from the Town of Mount Pleasant shall have the right to enter any building, structure, or premises during normal business hours to perform any duty imposed upon him/her by this article and with in accordance to [Appendix D104.2.1] of the North Carolina State Plumbing Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for those purposes will result in the disconnection of water service.
- B. On request, the consumer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross-connection and backflow are deemed possible. [N.C. State Plumbing Code Appendix D104.2.3]

Section 5-3.6 Law

Unprotected cross-connection prohibited:

- A. No water service connection to any private water system shall be installed or maintained by the Town of Mount Pleasant unless water supply is protected as required by this article and other applicable laws. Service of water to any premises shall be discontinued by the Town of Mount Pleasant if a backflow assembly, required by this article, is not installed, tested and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will be restored after all such connections or defects are corrected.

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- B. No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.
- C. No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.
- D. No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this article.
- E. No customer shall fail to submit to the Town of Mount Pleasant any record, which is required by this article.

Section 5-3.7 Installation

Installation and testing of backflow prevention assembly:

- A. The purpose of this section is to require that all water flowing from the public water system, must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.
- B. The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies may be tested by a certified backflow technician authorized by the Town of Mount Pleasant. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.
- C. All new construction plans and specifications which will directly effect the Town of Mount Pleasant water system, and/or required by the North Carolina Building Code, the North Carolina Department of Environmental Quality (NCDEQ), and Town or County planning and zoning officers, shall be made available to the Town of Mount Pleasant Public Works Director for review, approval, and to determine the degree of hazard.
- D. All existing facilities zoned commercial or industrial and have existing water services with the Town of Mount Pleasant and requesting certificate of occupancy from the town or county planning and zoning officers, shall be inspected for compliance of backflow and cross-connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Public Works Director may release certificate of occupancy.
- E. All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the waster purveyor.
- F. If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to zoning or DOT right-of-way, an approved backflow assembly must be installed on any branch of plumbing installed between the service meter and the service backflow assembly.

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- G. Any branch of plumbing installed on the private water system that may be of a greater hazard than the supply line, (example: chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure zone assembly.
- H. All backflow prevention assemblies shall be installed in accordance with the backflow and cross-connection manual furnished by the Town of Mount Pleasant and/or the manufacturer's instructions, whichever is most restrictive.
- I. All double check valve assemblies, two-inch or larger, must be installed in a watertight drainable pit wherever below ground installation is necessary in accordance with detailed specifications provided in the backflow and cross-connection control manual. If drain can not be provided, the assembly must be installed above ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Public Works Director provided the flow of water is in an upward direction.
- J. Reduce pressure principal assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit installations are prohibited).
- K. Each backflow prevention assembly that is required must function properly at time of installment. Each customer will be required to test, maintain and repair each assembly required which is a part of the customer's private water system. A certified backflow prevention technician may only conduct such test. Testing shall be done immediately following installation of any backflow prevention assembly and on an annual or semi-annual basis depending the degree of hazard.
- L. If repair is found necessary on an assembly it must be re-tested following any repair. A complete duplicate copy of any testing and/or repair shall be sent to the Town of Mount Pleasant within thirty (30) days of completion of test or repair. Each customer must maintain a complete copy of any test or repair for no less than five (5) years. All test and repair records must be maintained on forms approved by the Public Works Director of the Town of Mount Pleasant.
- M. All rubber components must be replaced every five (5) years or as often as needed.
- N. Any customer installing a reduced pressure zone (RPZ) or double check valve assembly (DCVA) must provide the following information to the Public Works Director within ten (10) days after installation:
 - 1. Service address where assembly is located
 - 2. Owner
 - 3. Description of assembly's location
 - 4. Date of installation
 - 5. Type of assembly
 - 6. Manufacturer
 - 7. Model Number
 - 8. Serial Number
 - 9. Test results/reports
- O. The Public Works Director must approve each backflow assembly required by this article. A list of approved assemblies can be obtained through the Public Works Director; any unapproved backflow

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assembly must be replaced, within a time set by the administrator, with an approved backflow assembly.

- P. If it has been determined that a customer must install a backflow prevention assembly, the Public Works Director will provide the customer with a letter of notification and list of approved backflow assemblies. The following time periods shall be set forth for the installation of the specified assemblies:

TABLE INSET:

Health Hazard	60 days
Non-Health Hazard	90 days

- Q. If an imminent hazard or unreasonable threat of contamination or pollution to the public water system is detected, the Public Works Director may require the installation of the required backflow assembly immediately or within a shorter time period than specified herein.
- R. If a customer does not wish for water service to be interrupted when a backflow assembly is tested, repaired, or replaced, a parallel installation must be made using an approved assembly of the same degree of hazard. The parallel line may be of the same size or smaller.

Section 5-3.8 Degree of hazards

- A. Determining degree of hazard:

1. No service shall be completed until the Public Works Director has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.
2. Any customer making any modification to the private system’s configuration or use of, which may change the degree of hazard, shall notify the Public Works Director before any modification is made. If the Public Works Director determines that such modification requires a different backflow prevention assembly, that assembly must be installed before the modification is made.
3. The following types of facilities or services have been identified by the Town of Mount Pleasant Public Works Department as having a potential for backflow or nonpotable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town of Mount Pleasant Public Works Director. As a minimum requirement, all commercial services will be required to install a double check value assembly unless otherwise listed below:

(Key)

- DCVA = Double check valve assembly
- RP = Reduced pressure principal assembly
- DCDA = Double check detector assembly

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- RPDA = Reduced pressure detector assembly
 - AG = Air gap
 - PVB = Pressure vacuum breaker
 - Aircraft and missile plants: RP
- a. Automotive service station, dealerships, etc.:
 - No health hazard: DCVA
 - Health hazard: RP
 - b. Automotive plants: RP
 - c. Auxiliary water systems:
 - Approved public/private water supply: DCVA
 - Unapproved public/private water supply: AG
 - Used water and industrial fluids: RP
 - d. Bakeries:
 - No Health hazard: DCVA
 - Health hazard: hazard
 - e. Beauty shops/barber shops:
 - No Health hazard: DCVA
 - Health hazard: RB
 - f. Beverage bottling plants: RP
 - g. Breweries: RP
 - h. Buildings: Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections.
 - (Under five stories) No Health hazard: DCVA
 - (Under five stories) Health hazard: RP
 - (Over five stories) All: RP
 - i. Canneries, packing houses, and rendering plants: RP
 - j. Chemical plants: Manufacturing, processing, compounding or treatment: RP
 - k. Chemically contaminated water system: RP
 - l. Commercial car-wash facilities: RP
 - m. Commercial greenhouses: RP
 - n. Individual commercial sales establishments (department stores)
 - No health hazards: DCVA
 - Health hazard: RP
 - o. Concrete/asphalt plants: RP
 - p. Dairies and cold storage plants: RP
 - q. Dye works: RP
 - r. Film laboratories: RP
 - s. Fire systems
 - No health hazard: DCDA
 - Health hazard (Booster pumps, foams, antifreeze solution, etc.): RPDA
 - t. Hospitals, medical buildings, sanitarium, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, veterinary hospitals: RP
 - u. Industrial facilities:
 - No Health hazard: DCVA
 - Health hazard: RP
 - v. Laundries:

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- No Health hazard: DCVA
- Health hazard: (i.e., Dry Cleaners): RP
- w. Lawn irrigation systems:
 - No Health hazard: DCVA
 - Health hazard: (Booster Pumps, Chemical Systems): RP
- x. Malls or strip malls (Frequent tenant change and photo labs, etc.):
 - Health hazard: RP
- y. Metal manufacturing, cleaning processing, and fabricating plants: RP
- z. Mobile home parks:
 - No health hazard: DCVA
 - Health hazard: RP
- aa. Oil and gas production, storage or transmission properties: RP
- bb. Paper and paper products plants: RP
- cc. Pest control (exterminating and fumigating): RP
- dd. Planting plants: RP
- ee. Power plants: RP
- ff. Radioactive materials or substances – plants or facilities handling: RP
- gg. Restaurants:
 - No health hazard: DCVA
 - Health hazard: RP
- hh. Restricted, classified, or other closed facilities: RP
- ii. Rubber plants (natural or synthetic): RP
- jj. Sand and gravel plants: RP
- kk. Schools and colleges: RP
- ll. Sewage and storm drain facilities: RP
- mm. Public swimming pools: RP
- nn. Waterfront facilities and industries: PR

All assemblies and installations shall be subject to inspection and approval by the Town of Mount Pleasant Public Works Department.

4. Filling of tanks/tankers or any other container from a Town of Mount Pleasant owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and backflow protection. At which point the Town of Mount Pleasant Public Works Department will issue a permit for that tank/tanker or container. Any unauthorized connections to a fire hydrant is considered an illegal cross-connection to the public water system and will be subject to fines.
5. If a cross-connection control inspector is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

B. Low hazard:

1. All single-family residential homes will be considered a low hazard and shall have a minimum of a dual check valve device installed at the meter service.
2. If no other backflow prevention assembly is specified a double check valve assembly must be installed on all private water systems.

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C. Imminent hazard:

1. If it has been determined a customer's private water system has an imminent hazard; such customer must install a backflow prevention assembly specified by the Public Works Director and this article. This assembly must be installed within twenty-four (24) hours of notification from the administrator. If the customer fails to install the specified assembly within the allowed time limit, water service to the customer's private water system will be terminated and may be subject to specified civil penalties. In the even the Public Works Director is unable to notify the customer in twenty-four (24) hours of determining an imminent hazard exists, the administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act (Title XIV Section 1431) and the N.C. State Plumbing Code (Appendix D104.2.6).
2. Only a backflow prevention assembly offering a greater degree of protection may be installed in place of a specified assembly required by this article.

Section 5-3.9 Notices

Notice of contamination or pollution:

- A. In the event the customer's private water system becomes contaminated or polluted the customer shall notify the Town of Mount Pleasant Water Resources Department immediately.
- B. In the event a customer has reason to believe that a backflow incident has occurred between the customer's private water system and the public water system, the customer must notify the Town of Pleasant Public Works Department immediately in order that appropriate measures may be taken to isolate and remove the contamination of pollution.

(Ord. adopted 5/4/2009, Amended 3/14/2022)

Section 5-3.10 Violations

A. Notification of violation:

1. A written notice must be presented to any customer/person who has been found to be in violation of any part of this article.
 2. Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed thirty (30) days after receiving notice unless otherwise specified by the time period chart subsection 5-1037 (16). If the violation has been determined by the Administrator to be an imminent hazard, the customer shall be required to correct the violation immediately.
 3. In the event a customer is found in violation of this article and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service will be terminated.
- B. The violation of any section of this article may be punished by a civil penalty listed as follows:

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1. Unprotected cross connection involving a private water system, which has an imminent hazard: One thousand dollars (\$1,000.00) per day not to exceed ten thousand dollars (\$10,000.00).
2. Unprotected cross connection involving a private water system, which is of a moderate or high hazard: Five hundred dollars (\$500.00).
3. Submitting false records of failure to submit records, which are required by this article: Five hundred dollars (\$500.00).
4. Failure to test or maintain backflow prevention assemblies as required: One hundred dollars (\$100.00) per day.

C. Reduction of penalty

1. The Town Manager at the recommendation of the Public Works Director may reduce or dismiss any civil penalty imposed under this section if the Manager has determined that the person charged with the violation has no past history of violation and corrects the violation in a timely manner.
2. No civil penalty shall be reduced if it has been determined the violation was intentional.
3. Any person violating any part of this ordinance must reimburse the Town of Mount Pleasant for any expenses in repairing damage to the public water system caused by any violation and any expenses incurred for instigating a violation.

(Ord. adopted 5/4/2009, Amended 3/14/2022)

CHAPTER 4: WATER AND WASTEWATER SYSTEM EXTENSION

Section 5-4.1 Purpose

The purpose of this ordinance is to provide an equitable mechanism by which the Town of Mount Pleasant can plan and extend its municipal water and wastewater systems to serve the needs of the citizens of Mount Pleasant and those in the Town of Mount Pleasant utility service area (hereafter the “utility service area”).

(Ord. adopted 5/4/2009)

Section 5-4.2 Coverage

This ordinance upon adoption by the Board of Commissioners shall be applicable to all areas within the utility service area. All new developments connecting to the Town utility system shall have access to public water and sanitary sewer in accordance with the most recent version of this ordinance.

(Ord. adopted 5/4/2009)

Section 5-4.3 General

- A. All utility infrastructure including facility upgrades and system improvements, new facilities and system extension shall fully comply with all applicable Town design standards and shall be designed and constructed in accordance with any adopted long-range utility plans or as approved by the Public Works Director.
- B. Requests for utility extensions and/or connections shall be submitted to the Town. Applications for utility extensions shall be accompanied by engineering design plans sealed by a licensed Professional Engineer. All proposed water and/or sewer extensions or facility upgrades shall be approved by the Town prior to construction.
- C. All utility easements required for system extensions or facility upgrades shall be dedicated to the Town in accordance with the Town’s specification and detail requirements.
- D. When a property that has been supplied by a well or alternate source of water requests a connection to the Town water system, the well shall be completely disconnected from any structure connected to the Town water system. Under no circumstances shall a well be cross connected to the Town water system.
- E. In the event that a sewer extension is installed within twenty-five (25) feet of a private well, the well shall be abandoned in compliance with State regulations and the property owner shall be required to connect to the Town water system regardless of proximity to the nearest water main.
- F. In the event that a resident requests sewer service only and the residence is not required to connect to the Town water system, the residence will be required to install a meter on their well or other source of water for the purpose of sewer billing.
- G. In order to minimize public health and safety risks, such as septic failure, well failure, inadequate water supply for fire protection or substandard water quality from well water, the Board of Commissioners may order utility extensions into unserved areas without request of the property owners in the area.

(Ord. adopted 5/4/2009)

Section 5-4.4 Fees

A. Fee Schedule

The schedule of fee rates is available for the public viewing at the Town Hall and the Town's website. This fee scheduled may be amended from time to time at the discretion of the Town Board of Commissioners.

B. Utility Connection Fees

1. Utility connection fees shall be required for all individual connections to an existing or proposed utility main. The utility connection fees have been established to reimburse the Town for expenses incurred while Town staff members or persons under contract to the Town make the required utility connection(s). This shall not apply when the Town has directed the property owner to contract with a Town-approved contractor to install the connection due to proximity to state-maintained street right-of-way or difficulty of connection.
2. Utility connection fees shall be paid to the Town before work order will be issued. The utility connection fees include setting a meter and providing service to water and sewer lines ~~mains~~. For individual requests, all required site restoration work including pavement repair, curb and gutter repair, sidewalk repair and boring shall be included in the utility connection fee. The fee may be higher for connections that require a greater than typical amount of repair.
3. For Town-funded projects constructed by outside contractors, utility connection fees will also be levied.
4. When tapping new mains under construction or active mains under warranty, developers shall be required to make their own utility taps by setting meter boxes and sewer connections, and they are not required to pay the utility connection fees established herein. All other fees, which may include, but are not limited to, fees for pavement repair, curb and gutter repair, sidewalk repair, and boring, shall be paid in accordance with the adopted fee schedule of the Town of Mount Pleasant.

C. System Development Fees

Subject to Article 8 of N.C.G.S. 162A, the Town may adopt a system development fee for water and sewer service to fund water and sewer improvements.

(Ord. adopted 5/4/2009, Amended 3/14/2022)

Section 5-4.5 Utility system extension and connection

A. Improvements to Existing Property Within the Town Limits

Any improvements to existing developed property within the corporate limits requiring either new or expanded well and/or septic capacity shall connect to the Town utility system when the property is located within one hundred (100) feet of an existing water and/or sewer main and another owner's private property does not have to be crossed to make the connection. In the event that there are no adjacent water and/or sewer mains available or there is no sewage treatment capacity available, the

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property owner may construct a private well and/or septic system as approved by the Cabarrus County Health Alliance, Environmental Health Division or the North Carolina Department of Environmental Quality (NCDEQ), as applicable.

B. Utility System Extension and Connection Outside the Town Limits

1. All applicants requesting utility connections outside the Town limits are required to submit a petition of annexation and/or annexation agreement along with a utility extension and/or connection request. All voluntary annexation requests accompanied by the corresponding utility extension and/or connection requests shall be submitted to the Town for approval. All requests for utility extensions and connections outside the Town Limits shall be reviewed on a case-by-case basis by the Town Manager prior to approval.
2. A utility connection outside the Town limits will not be allowed until the Board of Commissioners has adopted the ordinance of annexation, annexation agreement, or except in cases of emergency. The Board of Commissioners, at its discretion, may incorporate additional requirements as conditions for adoption of the annexation ordinance. An exception to this requirement is if a property with a single residence can only be served by water, but not sewer. If one utility is in place, then the other utility may be connected, if available, upon annexation, at the discretion of the Board of Commissioners.
3. The applicant shall pay all required fees and fulfill the owner/developer obligations outlined in Section 5-4.7 of this ordinance for providing all on-site water and/or wastewater facilities, extensions and connections of the proposed water and wastewater facilities to the existing utility system of the Town.
4. If the applicant is allowed to connect to the utility system before the annexation becomes effective, the applicant shall pay current outside utility rates until the property is incorporated into the Town limits.

C. Proposed New Developments

1. The owners or developers of a parcel or tract of land shall construct, at no expense to the Town, all extensions and on-site water and/or wastewater facilities.
2. When consistent with the Town's long-range plans, the Town Board of Commissioners may elect to construct utilities extensions; however, it is the responsibility of the owner or developer to pay for such installation. Notwithstanding the foregoing, the Town Board of Commissioners may agree to pay some or all of the cost of construction of proposed facilities extensions. Any such agreement shall be memorialized in a development agreement approved by the owner or developer and the Board of Commissioners, subject to the provisions of N.C.G.S. Chapter 160D, Article 10.
3. All connections and extension of water and wastewater facilities from the development, including all properties inside the development, shall be connected to the existing utility system of the Town in accordance with all applicable Town standards, specifications and long-range utility plans. All planned extensions of the Town water and wastewater system shall have engineering design plans prepared and submitted to the Town for review and approval prior to construction. No

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water and wastewater facilities, extensions or connections shall be constructed without written approval and inspection by the Town and all required approvals by the Cabarrus County Health Alliance, Water and Sewer Authority of Cabarrus County (WSACC), and the North Carolina Department of Environmental Quality (NCDEQ), as applicable.

(Ord. passed 5/4/2009, Amended 3/14/2022)

Section 5-4.6 Town-funded utility extension

A. Existing Developed Property

1. Owners of developed property inside the Town limits with existing structure on their property, including newly annexed residents may petition the Board of Commissioners for the extension of water and/or sewer mains funded by the Town.
2. Applicants who choose to request water only or sewer only may be required to request both water and sewer at the discretion of the Town. Factors that will be considered for approving Town funded utility extension projects are the size and area, number of property owners requesting utility connections, proximity to the existing Town system, buyout arrangements with the current service provider, funding limitation and the age of existing facilities.

B. Eligibility Requirements

In addition to meeting the Minimum Area Requirements, below, property will not be considered for Town funded utility extension projects without meeting the following eligibility requirements prior to the submission of a petition. In compelling cases, the Board of Commissioners may waive any or all of these eligibility requirements.

1. The property must be within the Town's corporate limits;
2. The property must be developed;
3. The property must have a dwelling or other operational structure onsite;
4. The property shall be subdivided in accordance with Town Subdivision Regulations;
5. The property shall not be undergoing rezoning; and
6. Individual properties shall not be undergoing expansion or improvement.

C. Minimum Area Requirements

In addition to meeting the Eligibility Requirements, above, property will not be considered for Town-funded utility extension projects without meeting the following minimum area requirements prior to the submission of a petition. The Town may decide to increase the minimum area requirements based on the overall size and type of area under consideration for proposed utility extensions. In compelling cases, the Board of Commissioners may waive any or all of these minimum area requirements.

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1. The minimum area shall not be less than a street length between intersections and shall consist of at least ten (10) properties requesting utility connections;
2. For water extension requests, the area shall extend to the nearest available Town water main. In certain cases, it may not be possible to connect the proposed area to the closest water main because of access limitations. In these cases, the closest available water main along a passable alignment shall be considered;
3. For sewer extensions requests, the area shall extend to the closest available existing Town sewer main within the same drainage basin as the area under consideration. For sewer construction, the closest available Town sewer main shall be one that is at a lower elevation than the proposed area and for which a passable route exists between the proposed area and the existing sewer main; and
4. Additional requirements as recommended by the Public Works Department based on sound engineering practices.

D. Petition Requirements

1. Petitions for Town-funded water and/or sewer extensions shall sufficiently satisfy the following criteria. Petitions that do not sufficiently meet the following criteria will not be considered:
 - a. The petition must be signed by more than fifty percent (50%) of the owners of property adjacent to the proposed utility extension(s), and those property owners shall own more than fifty percent (50%) of the road frontage along the alignment of the proposed extensions(s). The proposed alignment must extend to the existing Town utility system.
 - b. All persons and entities listed on the property deed as record owners of a property must sign the petition. In the case of entities such as corporations or estates, a representative authorized by law may sign the petition on behalf of the entity.
 - c. Property owners who own more than one (1) property adjacent to proposed utility extensions must sign the petition for each of their properties within the project area.
 - d. All sufficient petitions shall require language notifying the property owners of the following items:
 - A statement of the connection fees in effect at the time of petition signing.
 - A statement of all applicable discounts available by participating in the petition for water and/or sewer service.
 - A statement that all applicants registering on the petition will be required to pay their connection charges prior to the Town extending utility mains.
2. All petitions shall be submitted to the Town Clerk to verify sufficiency prior to being considered for approval by the Board of Commissioners. Only verified, sufficient petitions will be considered. After a petition has been deemed sufficient and the property owners have met all established requirements, staff will prepare a recommendation for the Board of Commissioners to order the extension of utilities. The Board shall have the option of ordering the utilities installed, requesting additions or modifications to the service area, rejecting the request, or submitting the request to further deliberation. The Board's decision shall be final

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and rejected requests will not be reconsidered for two (2) years after the first request was rejected unless initiated by the Town. If the improvements are ordered, Town funding will be allocated to complete the proposed work.

E. Implementation of Town Funded Utility Extension Project

1. Upon approval of a petition by the Town Board of Commissioners, the Town will prepare plans to extend utility mains into the area requesting service.
2. Property owners petitioning for utility extensions will have the option of:
 - a. paying their required connection charges in full, prior to the Town advertising the construction contract for the installation of the utility mains; or
 - b. paying their connection charges in three (3) equal installments. The first installment would be due within sixty (60) days after the petition has been approved by the Board of Commissioners. The second installment would be due prior to the Town advertising the construction contract for installation of the proposed water and sewer mains. Advertising for a Contractor to install the proposed water and sewer mains will not begin until the second installment has been received by all of the petitioning property owners. For property owners who connect to the newly extended utility service and initiate a utility account with the Town, the final installment will be due prior to activating their utility service, their final installment will be invoiced and billed to them no sooner than sixty (60) days after the utility construction has been completed by the Town. Construction will be deemed complete after final payment has been made to the Contractor.
3. Property owners who have paid their connection charges in full, prior to construction will be permitted to connect to Town utility service as soon as the newly constructed water and/or sewer mains have been accepted by the Town. They will be required to obtain a plumbing permit from the appropriate building and inspection office prior to installing their private utility service lines. Potential water customers will also be required to apply for a water meter.
4. The Town reserves the right to withdraw support from utility extension projects in cases where all petition applicants fail to pay the required fees and connection charges in accordance with the schedule of payments outlined herein. In such cases, fees paid by applicants will be refunded to them.

F. Alignment and Location of Proposed Utility Mains

1. The Town reserves the right to choose the alignment and location of the requested utility mains. The Town shall not be obligated to replace landscaping, irrigation systems, or any other privately-owned obstructions within the existing right-of-way or utility easement at the time of construction, nor will the Town be obligated to compensate property owners for the removal of such obstructions.
2. In isolated cases, sewer connection requested by property owners may not be feasible, as determined by the Public Works Director or Town Engineer, due to the unique topography of the area. In these cases, the property owners shall be responsible for installing private pump stations

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or other alternate methods as necessary to connect to an adjacent sewer main extended by the Town. Should the property owner decide not to install a private pump station or alternate connection to the sewer system, the property owner shall be solely responsible for maintenance and repair of the existing septic or waste disposal system serving the property.

G. Maximum Depth of Sewer Mains

The Town shall not be obligated to provide gravity sewer service to any structure at an elevation lower than eight (8) feet below the crown of the street directly adjacent to the structure. In these circumstances, property owners wishing to connect to the wastewater system shall be responsible for private pump station construction or other alternate methods as required to serve their property. In most cases, the Town will not install sewer mains deeper than eight (8) feet, unless the property owner(s) agrees to compensate the Town for the added expense of installing the proposed main deeper than eight (8) feet. The Town Public Works Department shall be solely responsible for quantifying the additional expense required for sewer installations deeper than eight (8) feet.

(Ord. adopted 5/4/2009, Amended 3/14/2022)

Section 5-4.7 Utility system infrastructure reimbursements for proposed new development

- A. Pursuant to N.C.G.S. 160A-499 this section authorizes and sets forth the procedures and terms under which the Town may approve reimbursement agreements with private developers and property owners for the design and construction of infrastructure that is included on the Town's capital improvement plan and serves the developer or property owner. For the purpose of this section, municipal infrastructure includes, without limitation, water mains, sanitary sewer lines, lift stations, stormwater lines, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.
- B. The Town Board of Commissioners may enter into reimbursement agreements with private developers and property owners pursuant to this section. In negotiating such agreements, the Town Board of Commissioners shall determine that:
 - 1. The cost to the Town will not exceed the estimated cost of providing for the municipal infrastructure through either eligible force account qualified labor or through a public contract let pursuant to N.C.G.S. 143-128 et seq.; or
 - 2. The coordination of separately constructed municipal infrastructure with the associated private development would be impracticable.

Town approval authority for agreements under this section shall be governed by general Town contracting authorizations and delegations.

- C. Such reimbursements, if any, may be paid from any lawful source if approved by the Town Board of Commissioners.
- D. A municipal infrastructure reimbursement agreement approved pursuant to this section shall not be subject to N.C.G.S. Ch. 143, Art. 8 unless the award of a contract for work would have required competitive bidding if the construction contract had been awarded by the Town. If the Town would

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have been required to follow N.C.G.S. Ch. 143, Art. 8, then the developer or property owner is required to comply with the requirements of N.C.G.S. Ch. 143, Art. 8.

- E. A municipal infrastructure reimbursement agreement approved pursuant to this section shall require the private developer or property owner party to comply with all of the city's rules, regulations and ordinances and be current on all debts, fees or taxes owed to the Town.

(Ord. adopted 5/4/2009, Amended 3/14/2022)