



REQUEST FOR BOARD ACTION

ITEM NO. 20.

DATE OF MEETING: June 7, 2010

REQUESTED BY: Michael G. Mack, Director, PCU

SHORT TITLE: Resolution Presenting Text Amendments to the Pender County Water and Sewer Ordinance and requesting the Board Set a Public Hearing on the Amendments for June 21, 2010.

BACKGROUND: In concert with the proposed implementation of a Unified Development Ordinance, Pender County Utilities desires to revise the current Water and Sewer Ordinance to incorporate mandatory utility connection requirements for new construction and new development. In addition, staff recommends replacing the existing Water Shortage Response Plan in the Ordinance with the recently approved NC Division of Water Resources plan.

Mandatory connection will only be required for only new construction and new developments submitting plans or Building Permit Applications to the Pender County Planning and Community Development Department after July 1, 2010. Voluntary connection to the PCU water and sewer systems remains for all existing structures as of July 1, 2010.

Staff is recommending the mandatory connection requirement to provide additional rate payers to better ensure the financial viability of the Districts. Additional customers will provide additional revenue necessary for debt service expenditures while incrementally stabilizing the true cost of providing water to all water customers through economy of scale. In addition, the Board of Commissioners endorsed the development of a mandatory utility connection policy for new development in their 2010-2012 Priority Implementation Plan adopted March 15, 2010.

Details and definitions for mandatory connection in new construction and development have been added to Article XII (Utility System Extensions) of the Water and Sewer Ordinance. Other existing text within Article XII has been deleted or amended to reflect mandatory connection.

The Water Shortage Response Plan proposed would replace Article X of the existing Ordinance in its entirety.

SPECIFIC ACTION REQUESTED: The Board of Commissioners is requested to consider the proposed Text Amendments and set a public hearing and consider adoption of the Water and Sewer Ordinance Amendments on June 21, 2010 to become effective July 1, 2010.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

a public hearing on proposed amendments to the Pender County Water and Sewer Ordinance is hereby set for Monday, June 21, 2010 at 7:00 p.m. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

Jimmy T. Tate, Chairman 6/7/10
Date

ATTEST 6/7/10
Date

ARTICLE XII UTILITY SYSTEM EXTENSION AND COST RECOVERY

I. Mandatory Connection ~~Extension of Water and/or Sewer Lines~~ (New Development)

1. *New Construction (Single Lots):* All new construction requiring a Building Permit will be required to connect to the Pender County Utilities (PCU) water and/or sewer system if there is “service availability” and a PCU owned main is within the distances listed in Table 1.
2. *New Development* in all zoning districts (unless exempted) is required to connect to the respective Pender County Utilities (PCU) Water & Sewer District serving the area if there is “service availability” and a PCU owned main is within the distances listed in Table 1.

Table 1

| Required Connection to the Pender County Utility System For all New Development occurring within a Minimum Distance of a County-Owned Water or Sewer Main | |
|---|--|
| Number of Proposed Lots | Distance from Closest Property Line to County Mains |
| 1-2 | Abutting the property (usually in a Rights-of-Way or Easement) |
| 3-9 | 400 feet |
| 10-49 | 800 feet |
| 50-99 | 1,500 feet |
| 100 + | 2,000 feet |

- * Note: One water meter will be required for each structure, unless otherwise determined by PCU.
 ** Development planning to utilize PCU sewer must also connect to PCU water.

3. Mandatory Connection Exemptions

- a. Existing Structures as of July 1, 2010
- b. Pender County Utilities determines that service is not available. “Service Availability” shall be dependent upon factors including, but not limited to, established service requirements as defined in Pender County Utilities’ policies and specifications, and availability of water and/or sewer capacity, however, said factors shall not be exclusive criteria for such determinations.
- c. Development in Environmental Conservation (EC) District.
- d. Individual Parcels greater than 10 acres.
- e. Family Subdivision of up to three parcels.
- f. Special purpose lots (i.e., Uses not needing water supply such as cemeteries, storage buildings, etc.)
- g. An easement for extending utility service to a single lot is not available or cannot be obtained. Documentation of good faith effort to secure an easement will be required prior to qualifying for this exemption.
- h. Expansion of an existing structure that already has water or sewer service through means other than Pender County Utilities.
- i. Proposed development within the service area of a private utility company.

II. Service Availability Determination

1. For all new construction or development, at the time of plan submittal to the Pender County Planning and Community Development Department (Rezoning Request, Master Plan, Preliminary Plan, Construction Drawings, Major Site Development Plan, Minor Subdivision Plan, etc.), Pender County Utilities will review the project to determine "service availability". A determination will be provided by PCU in writing within 30 days of the applicant submittal to the Planning Department. If it is determined that service is available, connection will be required. If it is determined that service is not available, the Applicant will be required to determine alternative sources for utility service.

~~Project Approval. An Applicant proposing to extend utility lines and/or to make other improvements to become a part of the Pender County Water and Sewer District Utility Facilities shall first meet with the Pender County Utilities Department to discuss if the proposal is feasible to the District. If preliminary discussions find the project satisfactory;~~

2. If connection is required or requested:

- a. Single service line – If a water service line will be 2 inches in diameter or greater, refer to Water/Sewer Main Extension section below.

For water service lines less than 2 inches in diameter:

- i. The applicant will be required to pay all applicable PCU fees according to the current Rate Schedule prior to issuance of a Building Permit.
 - ii. PCU will install the water service line and sewer service lateral.
 - iii. Water Service from the main line to the water meter will be set at the property line.
 - iv. Sewer Service from the main line to the service valve (forcemain) or cleanout (gravity) will be set at the property line.
 - v. The applicant will be responsible for hiring a North Carolina Licensed Plumber to connect the plumbing from the structure to the water meter and/or sewer service (valve or cleanout).
 - vi. The applicant will be responsible for coordinating and scheduling an inspection of the plumbing with Pender County Utilities.
 - vii. Once all of these steps have been completed, PCU will install the water meter and authorize commencement of water and/or sewer service. A Certificate of Occupancy cannot be obtained without such authorization.
- b. Water/Sewer Main Extensions - The applicant shall employ at applicant's expense a Professional Engineer registered in the State of North Carolina to prepare plans for the project. In conjunction with such approval, the applicant shall submit to Pender County Utilities the following:

- i. Four copies of an application for **capacity allocation** on forms supplied by Pender County Utilities with a check made payable to Pender County Utilities for the current Fees.
- ii. Four copies of the plans, specifications, **calculations**, and engineer's report for the proposed work **shall be** prepared in compliance with Pender County Water and Sewer Standard Specifications **and shall bear the seal of a Professional Engineer registered to practice in North Carolina in accordance with NCGS 89C.** ~~which shall have the seal of the engineer along with the engineer's name, address, and phone number as well as the name, address, and phone number of the applicant.~~ If the applicant is a corporation, partnership, etc., the name, address and telephone number of the applicant's project manager or other representative responsible for the project shall be included. If plans are submitted on multiple sheets, an overall site plan of the proposed work must be included. If the project is being built in phases or sections, the submission of a master plan will be required by Pender County Utilities. Approval of plans and specifications by Pender County Utilities does not relieve the applicant from obtaining any and all other approvals necessary for the construction of the project. However, applications to other agencies shall be submitted in the name of the applicable Pender County Water and Sewer District. All application fees will be paid by the applicant.
- ii. Any **other** documentation required by **the appropriate regulatory agency (NCDENR, NCDEH, NCDOT, USACOE, etc.)** ~~North Carolina Department of Transportation and the Department of Environment and Natural Resources (DENR), Public Water Supply ("PWS").~~

Pender County Utilities will review ~~The foregoing documentation.~~ **Any corrections to the documents required by PCU will be made by the Applicant. The revised documents shall be resubmitted to PCU. Upon approval of the documents by PCU, PCU will sign the application and return written concurrence that PCU takes no exception to the documents.** ~~shall be reviewed by the Pender County Utilities Department and if complete shall be placed on the Pender County Water and Sewer District's Board of Directors agenda for the meeting following the month in which such items were received. The applicant or an appointed representative shall be present at the Board Meeting to answer questions that may be presented by the Board.~~

3. **Construction.** The applicant shall engage a North Carolina licensed Utility contractor acceptable to and approved by Pender County Utilities to construct the project. Prior to commencing construction, Pender County Utilities shall be furnished the name, address and phone number of the contractor along with a copy of the contractor's current North Carolina utility contracting license. Pender County Utilities shall be given a minimum 48 hours notice before any work is commenced by the contractor. No Persons other than the contractor (or the contractor's sub-contractors) shall make a tap or connection into any Pender County Water and Sewer District's owned infrastructure or perform any other portion of the work. All communications concerning the work, both oral and in writing, shall be directed to the applicant's engineer.
4. **Inspections.** Pender County Utilities shall inspect materials prior to construction as well as make periodical inspections while the project is under construction. **Materials not**

conforming to Pender County Specifications and/or the approved documentation shall be rejected. All thrust blocking and rodding must be inspected prior to filling trench excavation. Pender County Utilities must witness road borings, pressure and allowable leakage tests, initial and residual chlorinating tests, and withdrawal of bacteriological samples. Pender County Utilities shall be notified at least 24 hours in advance of such tests. Permission from Pender County Utilities is required for the operation of any valves located on the water system. North Carolina Administrative Code Title 15A, Department of Environmental Health Subchapter 18C, Sections .0100 through .2000 titled Rules Governing Public Water Supplies sets forth provisions intended to protect public water supplies such as that of Pender County Utilities.

5. **Project Completion.** Upon completion of construction, the applicant shall provide from a Professional Engineer licensed in the State of North Carolina (i) a certification in writing to the PWS, with copy to Pender County Utilities, that construction has been completed according to plans and specifications previously submitted and approved by the State and (ii) As-built drawings of the project in the form of hard-copy, reproducible Mylar(s) sealed by the engineer, and digital format (ACADR14.dwg or .dxf).

6. **Commencement of Utility Service.** Prior to the issuance of a Building Permit for a structure that is part of a larger development (e.g., subdivision, business park, etc.), or prior to issuance of a Certificate of Occupancy for individual structures (residential, commercial, industrial) not part of a larger development, PCU must authorize commencement of potable water and/or sewer service. Pender County Utilities will authorize commencement of potable water and/or sewer service when the work has been completed according to the approved plans and specifications, the Engineer's Certification has been received by PCU, the Applicant Certification has been completed, the appropriate regulatory authorities have provided Final Approval for use, and the following requirements have been met:
 - a) Submission to Pender County Utilities of two copies of the recorded subdivision final plat for the property, if applicable, and such Deeds of Dedication, bills of sale including the Final Payment Request of the Utility Contractors, easements, lien waivers and other documents as are necessary in Pender County's sole opinion to transfer title to Pender County free of liens and encumbrances of all utility facilities to become a part of the Pender County Water and Sewer District's utility system.
 - b) Submission by Owner of a 12-month warranty in form satisfactory to Pender County Utilities of material and workmanship against defects plus an indemnify agreement indemnifying the Pender County Water and Sewer District from any damages or injury to persons or property by reason the construction of the project.
 - c) All applicable fees and charges for the entire project or phase have been received.

**Water Shortage Response Plan
Rocky Point - Topsail WSD, North Carolina**

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

I. Authorization

The Rocky Point - Topsail WSD Director shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his/her absence, the Utilities Director will assume this role.

Mr. Rick Benton, County Manger
Rocky Point - Topsail WSD Director
Phone: (910) 259-1200
E-mail: rbenton@pendercountync.gov

Mr. Michael Mack
Rocky Point - Topsail WSD, Utilities Director
Phone: (910) 259-1570
E-mail: mmack@pendercountync.gov

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Pender Post*, the *Topsail Voice*, PSA announcements on local radio and cable stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through the County's Connect – CTY (reverse 911) system.

III. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

| Stage | Response | Description |
|-------|-------------------------|--|
| 1 | Voluntary Reductions | Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage. |
| 2 | Mandatory Reductions I | Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist. |
| 3 | Mandatory Reductions II | Same as in Stage 2 |
| 4 | Emergency Reductions | Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity. |
| 5 | Water Rationing | Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity. |

Stage 1, Voluntary Reductions: All water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

Stage 2, Mandatory Reductions I: All customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

Stage 3, Mandatory Reductions II: Customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

Stage 4, Emergency Reductions: Customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

Stage 5, Water Rationing: The goal of Stage 5 is to provide drinking water to protect only public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to Rocky Point Topsail WSD's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

III. Triggers

Rocky Point - Topsail WSD is provided water solely by purchase from the Town of Wallace. When Wallace declares a water shortage, Rocky Point - Topsail WSD is required to do so as well. During this time Rocky Point - Topsail WSD Utilities Director will stay in close contact with the Town of Wallace and follow their triggers.

IV. Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Rocky Point - Topsail WSD personnel. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

| Water Shortage Level | First Violation | Second Violation | Third Violation |
|--|------------------------|----------------------------|----------------------------|
| Voluntary Reductions | N/A | N/A | N/A |
| Mandatory Reductions (Stages 2 and 3) | Warning | \$250 | Discontinuation of Service |
| Emergency Reductions | \$250 | Discontinuation of Service | Discontinuation of Service |
| Water Rationing | \$500 | Discontinuation of Service | Discontinuation of Service |

Drought surcharge rates are effective in Stages 3, 4 and 5.

VI. Variance Protocols

Applications for water use variance requests are available from the office of Pender County Utilities. All applications must be submitted to Pender County Utilities for review by the Director or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

VII. Effectiveness

The effectiveness of the Rocky Point - Topsail WSD water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

VIII. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements of the plan to the Rocky Point - Topsail WSD's Board. The Rocky Point - Topsail WSD Utilities Director is responsible for initiating all subsequent revisions.

EXISTING WATER + SEWER ORDINANCE

ARTICLE X WATER CONSERVATION AND SHORTAGE PLAN

Introduction

Pender County Water and Sewer Districts in its mission to provide Pender County Customers potable quality water has developed the following Water Conservation and Shortage Plan. This plan has been developed to ensure and preserve one of our most precious natural resources. The Plan addresses water shortage measures to include voluntary conservation and mandatory conservation, water loss and accountability and the responsibilities of Pender County Water and Sewer Districts, the consumer, contractors and volunteer fire departments in the effort to conserve water.

Water Shortage

1. Declaration of water shortage.

If it appears that water demand on the Pender County Water and Sewer District's water system may exceed supply and transmission capabilities, the Director may recommend to the Pender County Water and Sewer District's Board that voluntary water conservation measures be implemented. The Pender County Water and Sewer District's Board may declare a Stage I water shortage condition advisory requesting voluntary water conservation by consumers. If voluntary conservation measures fail to relieve the demand on the system, the Pender County Water and Sewer Districts may advance to a Stage II or Stage III water shortage condition. The Pender County Water and Sewer District's Board may declare that a Stage II or Stage III water shortage condition exists and implement all or part of any stage.

2. Stage I water shortage condition

If a stage I water shortage condition is declared, the following guidelines shall apply:

- (1) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending or existing water shortage.
- (2) Conservation measures will be encouraged and recommended.

The public shall be encouraged to adhere to the following:

- (1) Limit car washing to a minimum.
- (2) Limit lawn and garden watering to that which is necessary only for plants to survive.
- (3) Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- (4) Do not leave faucets running while shaving or rinsing dishes.
- (5) Water shrubbery to the minimum required reusing household water when possible.
- (6) Limit use of clothes washers and dishwashers and when used, operate fully loaded.
- (7) Use of showers for bathing, rather than bathtub and limit showers to no more than five (5) minutes.
- (8) Limit flushing of toilets by multiple usages.
- (9) The use of disposable and biodegradable dishes is encouraged.

- (10) The use of flow-restrictive and water-saving devices.
- (11) Limit hours of operation of water-cooled air conditioners.
- (12) All residents, businesses and institutions are requested to temporarily delay new landscape work until the water shortage has ended.

3. Stage II water shortage condition

If the Pender County Water and Sewer Districts issues a declaration of a Stage II water shortage condition, it shall be unlawful for any person to use or permit the use of water from the Pender County Water and Sewer District's water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the Pender County Water and Sewer Districts need for declaring a water shortage condition, consideration shall be given to water shortage levels and available sources of supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

If a Stage I water shortage condition is in effect and the Pender County Water and Sewer Districts reach a point where continued or increased water consumption will equal or exceed the system supply capacity such that customers cannot be supplied with water to protect their health and safety without substantially curtailing the water demand then a Stage II water shortage may be proclaimed. In addition to the voluntary guidelines already in effect, it shall be become unlawful to use water supplied by the Pender County Water and Sewer District's water system in the following manner:

- (1) To water lawns, grass, shrubbery, trees, flowers and vegetable gardens except in accordance with the following schedule set forth below for all areas of the county. Such watering shall be done by hand-held hose with a nozzle or trigger device, container, drip irrigation, or residential automatic sprinkler system only.
 - a) Properties with ODD numbered addresses (ending in one, three, five, seven, or nine) may water on SATURDAY and TUESDAY mornings between the hours of 6:00 a.m. to 9:00 a.m.
 - b) Properties with EVEN numbered addresses (ending in zero, two, four, six and eight) may water on SUNDAY and THURSDAY mornings between the hours of 6:00 a.m. to 9:00 a.m.
 - c) Persons regularly engaged in the sale of plants shall be permitted to use water for such purposes on MONDAY, WEDNESDAY, and FRIDAY mornings between the hours of 6:00 a.m. to 9:00 a.m. All such watering is to be done by hand-held hose with a nozzle or trigger device, container or drip irrigation only.
- (2) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained.
- (3) To wash automobiles, trucks, trailers, boats, airplanes or any other type of mobile equipment, including commercial washing establishments that do not contain a recycling capability.
- (4) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks or patios, or to use water for other similar purposes.

- (5) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
- (6) To operate or induce water into any ornamental fountain, pool or pond or other structure making similar use of water.
- (7) To serve drinking water in restaurants, cafeterias or other food establishments, except upon request.
- (8) To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- (9) To use water for any unnecessary purpose or to intentionally waste water.

4. Stage III water shortage condition

If the Pender County Water and Sewer Districts issue a declaration of Stage III water shortage condition, it shall be unlawful for any person to use or permit the use of water from the Pender County Water and Sewer District's water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the Pender County Water and Sewer District's need for declaring a water shortage condition, consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, drawdown rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

If a Stage II water shortage condition exists and any two (2) elevated storage tanks drop to less than one-half full over a twenty four (24) hour period, then a Stage III water shortage may be declared. In addition to the restrictions for Stage I and Stage II water shortage conditions the following stringent mandatory restrictions shall be in effect. It shall be unlawful:

- (1) To water lawns, grass, shrubbery, trees, flowers and vegetable gardens or to use any method of irrigation and any time..
- (2) Use water outside a structure for any use other than an emergency involving a fire.
- (3) To operate an evaporative air conditioner that recycles water except during operating hours of business.

Fire protection is to be maintained by drafting of ponds, rivers, etc. wherever possible.

5. Lifting of restrictions imposed during shortage

Water shortage conditions will expire when the Pender County Water and Sewer District's Board deems that the condition which caused the alert has abated. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

6. Violations and Penalties

Any person who violates the provisions of this article, who fails to carry out the duties and responsibilities imposed by this article or who impedes or interferes with any action undertaken or ordered pursuant to this article shall be subject to enforcement actions, civil penalties, and/or

legal action. The Director shall be responsible for monitoring and enforcement of the article. Enforcement actions may include, but are not limited to, the following:

- (1) *Written Warning.* Whenever the Director finds that any user has violated or is violating this article or any prohibition, limitation, or requirement contained herein, or policy issued pursuant thereto, a written warning shall be issued to such offender by the Director. The written warning shall notify the violator of the nature of the violation and the need to take corrective action and that failure to do so will result in the issuance of a written Notice of Violation.
- (2) *Notice of Violation.* If, after a written warning, the violation continues, the Director shall serve upon such offender a written Notice of Violation stating the nature of the violation. The written Notice of Violation shall be affixed to the property where the violation occurred and/or mailed certified with return receipt requested to the customer of record and to any other person known to the Department to be responsible for the violation or its correction. When a customer of record refuses to accept a Notice of Violation by certified mail, hand delivery of the written notice of violation to the customer of record or to the person in charge of the premises where the violation occurred, the duly authorized agent shall inform the user of violation, their responsibility to discontinue the activity within a specified period of time, and possible recriminations including civil penalties and termination of service if the violation continues.
- (3) *Civil penalties.* The Director may assess a civil penalty of one hundred dollars (\$100.00) per day to any offender who shall continue any violation beyond the time limit provided for the aforementioned Notice of Violation. Each day in which a violation of any provision of this article shall occur or continue shall constitute a separate and distinct offense.
- (4) *Suspension of service.* If after issuance of a civil penalty, the penalty is not paid within thirty (30) days, the Director may immediately terminate or restrict service to the premise where such violation has occurred and may in addition thereto, or in the alternative, take such other appropriate legal action as provided by law. At such time the Director is satisfied that the offender(s) are no longer in violation of any treated water use restrictions, the Department may reinstate water service to the premise following the payment of all civil penalties assessed as well as any applicable suspension/reconnection fees.
- (5) *Injunctive Remedy.* Any violation of the provisions of this section may constitute a misdemeanor, punishable upon conviction in addition to being enforced by injunction or order of abatement issued by the general court of justice.

7. Responsibility

Consumer:

Each consumer has the responsibility to prevent unnecessary loss of water from the system by repairing leaks in the consumer's water system which is defined as, the point of delivery to the consumer from the public water system.

Contractors:

Each contractor has the responsibility to record and report water usage associated with line construction and testing to the Department. Contractors shall adhere to Code Enforcement for Low Flow Requirements for new construction.

Volunteer Fire Departments:

Each volunteer fire department shall flush hydrants between October 15th and April 30th only, and a minimum of 2 days (48 hours) notice must be given to the Department along with a copy of all flow data.

Pender County Utilities:

The Department shall be responsible to repair all leaks detected in the stem in a timely manner to minimize water loss. In addition, the Department shall record and report water usage for water quality flushing, tank maintenance, and water production and minimize the usage of such water. The Department shall provide public education in the instruction of water conservation procedures and methods and maintain accurate records of water production and usage.

ARTICLE XII UTILITY SYSTEM EXTENSION AND COST RECOVERY

I. Extension of Water and/or Sewer Lines (new development)

1. Project Approval. An Applicant proposing to extend utility lines and/or to make other improvements to become a part of the Pender County Water and Sewer District Utility Facilities shall first meet with the Pender County Utilities Department to discuss if the proposal is feasible to the District. If preliminary discussions find the project satisfactory, the applicant shall employ at applicant's expense a Professional Engineer registered in the State of North Carolina to prepare plans for the project. In conjunction with such approval, the applicant shall submit to the Public Utilities Department the following:
 - a. Four copies of an application for approval on forms supplied by Pender County Utilities Department with a check made payable to Pender County Utilities Department for the current Application Fee.
 - b. Four copies of the plans, specifications and engineer's report for the proposed work prepared in compliance with Pender County Water and Sewer Standard Specifications which shall have the seal of the engineer along with the engineer's name, address, and phone number as well as the name, address, and phone number of the applicant. If the applicant is a corporation, partnership, etc., the name, address and telephone number of the applicant's project manager or other representative responsible for the project shall be included. If plans are submitted on multiple sheets, an overall site plan of the proposed work must be included. If the project is being built in phases or sections, the submission of a master plan will be required by the Department. Approval of plans and specifications by the Pender County Utilities Department does not relieve the applicant from obtaining any and all other approvals necessary for the construction of the project. However, applications to other agencies shall be submitted in the name of the applicable Pender County Water and Sewer District. All application fees will be paid by the applicant.
 - c. Any documentation required by North Carolina Department of Transportation and the Department of Environment and Natural Resource (DENR), Public Water Supply ("PWS").

The foregoing documentation shall be reviewed by the Pender County Utilities Department and if complete shall be placed on the Pender County Water and Sewer District's Board of Directors agenda for the meeting following the month in which such items were received. The applicant or an appointed representative shall be present at the Board Meeting to answer questions that may be presented by the Board.

2. Construction. The applicant shall engage a North Carolina licensed Utility contractor acceptable to and approved by the Pender County Utilities Department to construct the project. Prior to commencing construction, the Department shall be furnished the name, address and phone number of the contractor along with a copy of the contractor's current North Carolina utility contracting license. The Department shall be given a minimum 48 hours notice before any work is commenced by the contractor. No Persons other than the contractor (or the contractor's sub-contractors) shall make a tap or connection into any Pender County Water and Sewer District's owned infrastructure or perform any other portion

of the work. All communications concerning the work, both oral and in writing, shall be directed to the applicant's engineer.

3. Inspections. The Pender County Utilities Department shall inspect materials prior to construction as well as make periodical inspections while the project is under construction. All thrust blocking and rodding must be inspected prior to filling trench excavation. The Pender County Utilities Department must witness road borings, pressure and allowable leakage tests, initial and residual chlorinating tests, and withdrawal of bacteriological samples. The Department shall be notified at least 24 hours in advance of such tests. Permission from the Pender County Utilities Department is required for the operation of any valves located on the water system. North Carolina Administrative Code Title 15A, Department of Environmental Health Subchapter 18C, Sections .0100 through .2000 titled Rules Governing Public Water Supplies sets forth provisions intended to protect public water supplies such as that of Pender County.
4. Project Completion. Upon completion of construction, the applicant shall provide from a Professional Engineer licensed in the State of North Carolina (i) a certification in writing to the PWS, with copy to the Pender County Utilities Department, that construction has been completed according to plans and specifications previously submitted and approved by the State and (ii) As-built drawings of the project in the form of hard-copy, reproducible Mylar(s) sealed by the engineer, and digital format (ACADR14.dwg or .dxf).
5. Commencement of Utility Service. Pender County Utilities Department will authorize commencement of potable water and/or sewer service when the work has been completed according to the approved plans and specifications and the following requirements have been met:
 - a) Submission to Pender County Utilities Department of two copies of the recorded subdivision final plat for the property, if applicable, and such deeds of dedication, bills of sale, easements, lien waivers and other documents as are necessary in Pender County's sole opinion to transfer title to Pender County free of liens and encumbrances of all utility facilities to become a part of the Pender County Water and Sewer District's utility system.
 - b) Submission by Owner of a 12-month warranty in form satisfactory to Pender County Utilities Department of material and workmanship against defects plus an indemnify agreement indemnifying the Pender County Water and Sewer District from any damages or injury to persons or property by reason the construction of the project.
 - c) All applicable fees and charges for the entire project or phase have been received.