

## CHAPTER 10

### UTILITIES

#### Article I

#### SERVICE REGULATIONS

##### Sec. 10-1. Request for Service; Service Connections Required

Any interested party may request water and/or sewer service from the City of Archdale as referenced in the city's *Water and Sewer Extension Policy*.

- (a) If the service is to be provided within the city limits and adequate public water and/or sewer mains are available adjacent to the property, service will be provided upon payment of the applicable fees.
- (b) If the service is to be provided within the city limits and water and/or sewer mains are not available adjacent to the property, a formal application shall be submitted to the City Council for consideration.
- (c) If the service is to be provided outside the city limits or requires extension of a service main, a formal application for service shall be submitted to the City Council for consideration.
- (d) Pursuant to the authorization of NCGS 160A-317(a), the owners of improved real property located within the City and abutting or within a reasonable distance of municipal water lines or sewage collection lines, are hereby required to connect such premises with the available City water and/or sewer lines as such services are made available by the City to such property.

Properties utilizing existing well or septic systems are exempted from this requirement until the failure of said system. At that time, new wells or septic fields will not be permitted and property owners will be required to connect to the existing water line and/or sewage collection line. In addition, unused wells must be capped in a safe manner and septic fields must be properly abandoned to Randolph County Health Department standards. Improper abandonment of septic systems will be considered an illicit discharge as regulated by the City of Archdale Stormwater Management Program Ordinance.

- (e) Separate water and sewer connections are required for each structure. However, exceptions will be considered on a case by case basis for multi-family housing arrangements, motels, hotels, schools, and other similar establishments.

Sec. 10-2. Penalty for Violation of Sec. 10-1(d)

- (a) Pursuant to the authorization of NCGS 160A-317(a), any owner of improved real property located within the City who is in violation of Ordinance Sec. 10-1(d) may be assessed a periodic availability charge, in lieu of connecting, in an amount not to exceed the minimum periodic service charge for properties that are connected. Said penalty shall be in addition to any other charges or tap-on fees established by the existing *Schedule of Fees* established by the City Council.
- (b) Notice of Violation(s) of this ordinance shall be provided in writing to the owner of improved real property setting forth the terms and conditions under which the premises shall be connected to the available water and/or sewer lines of the City. Notices under this ordinance shall be mailed to the property address and/or posted at street side or upon the door of the improved property.
- (c) Enforcement of this penalty shall be made by the City attorney as he/she deems prudent if the owner of improved real property fails to connect such premises with the available water and/or sewer lines of the City within thirty (30) days from the date of the mailing or posting of the notice from the City.

Sec. 10-3. Classification of Service

Services are classified under several categories to include residential, apartments, condominiums, irrigation, and commercial users.

Sec. 10-4. Application for Service

- (a) Application for utility service shall be made in person at City Hall and at the same time, if required, the user shall make the deposit guarantee required by the City. Owners of property with "Flat Sewer Service" are required to set up an account in their name. An application processing fee is required for all new accounts or service transfers which will be added to the first bill. Applicants must provide government issued identification, proof of address, and a lease agreement or proof of ownership. When the service address is occupied by a married couple, both individuals must be listed on the application.
- (b) The City may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons, in which case the deposit will be refunded.
- (c) The City may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location, provided that when the owner of the premises has been served water and/or sewer and has not paid for the same, the City shall not be required to render service to anyone at said location where

the services were used until said water bill has been paid. The City of Archdale will furnish utility services only to customers who are not currently delinquent on utility service payments owed to the City; under any contract with the City whether this service location or another.

- (d) When a master meter is used, all the property must be of one ownership and the utility account must be in the name of the owner. Owners who sell property must pay account balance before new owner can get service.
- (e) In a rental situation where multiple defaults have occurred at the same address within a 2 year period, the landlord may be required to co-sign on any new account. Reference the *Utility Customer Service Policies and Procedures* for specific details.

#### Sec. 10-5. Deposit

- (a) A reasonable and nondiscriminatory cash deposit, which approximates the risk of loss to the utility system in the event of default, may be required with the application for service.
- (b) The schedule of cash deposits and the method of determining the level for each applicant is established in the *Utility Customer Service Policies and Procedures*.
- (c) Applicants refusing to provide social security numbers will be required to provide a cash deposit at the highest level for the category of service.
- (d) The deposit receipt is not negotiable and can be redeemed only at the City Hall; deposit will be applied to the utility bill.
- (e) Where the City finds that the request for a deposit refund is questionable, the City may require the refund applicant to produce the deposit receipt properly endorsed.
- (f) Deposits shall not draw interest.

#### Sec. 10-6. Minimum Charge

The minimum charge, as provided in the *Schedule of Fees*, shall be made for each meter installed with an active account, regardless of location. Each meter requires a separate meter reading and each meter reading shall cover a separate and individual account.

#### Sec. 10-7. Rate Schedule and Tap-on Fees

A schedule of all rates and tap-on fees (*Schedule of Fees*) authorized by this Chapter shall be adopted with the annual budget ordinance or by City Council adoption or amendment at a regularly scheduled council meeting.

#### Sec. 10-8. City's Responsibility and Liability

- (a) The City shall run a service line from its distribution line to the right of way line (property line) of the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged. The City may install its meter at the approximate right of way line, or, at the City's option, on the consumer's property or in a location mutually agreed upon.
- (b) When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated to which consumer it applies.
- (c) The City does not assume responsibility for inspecting the consumer's piping or apparatus and will not be responsible therefore.
- (d) The City reserves the right to refuse service unless the consumer's lines or piping are installed in such a manner as to prevent cross-connections or back flow.
- (e) The City shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises. The City shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures, or appliances on the consumer's premises. The City shall not be responsible for negligence of third persons or forces beyond control of the City resulting in any interruption of service.
- (f) Under normal conditions, the consumer will be notified of any anticipated interruption of service.

#### Sec. 10-9. Consumer's Responsibility

- (a) Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the City's lines or mains.
- (b) If the consumer's piping on consumer's premises is so arranged that the City is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (c) Where the meter is placed on premises of a consumer, a suitable place shall be provided by consumer for placing such meter - unobstructed and accessible at all times to City personnel. Customer is responsible for safeguarding the meter and transponder and is responsible for accidental damage caused by vehicles, lawnmowers, weed eaters, etc.
  - a. On the first offense the City will repair the damaged equipment. A Public Works official will determine the cause and then, if necessary, adjust either the meter box or lid accordingly to prevent future damages. Notification will then be mailed to the customer to explain actions taken by the Public Works official. For second, third, etc. offenses, the customer will be responsible for replacement or repair of damage to the meter box, meter, and/or transponder.

- (d) The consumer shall furnish and maintain a private cutoff on the consumer's side of the meter; the City is to provide a like valve on the City's side of such meter.
- (e) The consumer shall furnish and maintain a pressure reducing valve on the consumer's side of the meter.
- (f) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with North Carolina State Building Code and the City's Construction and Development Guidelines.
- (g) The consumer shall guarantee proper protection for the City's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the City.
- (h) In the event that any loss or damage to the property of the City or any accident or injury to persons or property is caused by or results from the negligence of the consumer, their agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the City; and any liability otherwise resulting shall be assumed by the consumer and may be deducted from deposit on the account.
- (i) The City shall maintain all water and sewer connections within the streets or right-of-way and shall absorb the cost of such repairs and maintenance. Pipes and fixtures within private property shall be kept in repair by the property owner or consumer. When repairs are not made to prevent waste of water or sewer leakage within 48 hours after receiving notice from the City, the City shall discontinue service until such time as the repairs are made or shall have the right to enter on the property to make necessary repairs. The work by the City shall be limited to the necessary water or sewer line repairs and backfilling. The cost of repairs performed by the city shall be charged to the property owner, and service may not be reinstated until they are paid.

Sec. 10-10. Reserved

Sec. 10-11. Extensions to Mains and Services

- (a) Water distribution lines and sanitary sewer lines to serve undeveloped subdivisions will be handled as follows:
  - (1) The developer will submit plans and specifications for review and approval by the City, its engineer, and the North Carolina Department of Environment and Natural Resources (NC DENR).
  - (2) The developer will install the lines in accordance with the approved plans and specifications.
  - (3) Upon completion of the new extension, the developer will deed the complete facility, to include all rights-of-way, easements, permits, and other instruments needed for the

operation and maintenance of the facility to the City. The City will not reimburse the developer for the extension. However, the City may require the proposed water and/or sewer lines to be oversized if there is an opportunity to serve other property. In this case, the City will pay the difference between the necessary line size and the required oversize.

- (b) Extension of water and/or sewer lines within the corporation's service area will be handled as follows:
  - (1) The plans and specifications for the extension will be submitted for review and approval by the City, its engineer, and NC DENR.
  - (2) The lines will be installed in accordance with the approved plans and specifications.
  - (3) Prior to or upon completion of the new extension, all rights-of-way, easements, permits, or other instruments needed for installation, operation, and maintenance of the facility, will be deeded to the City. The cost involved in the new extension will be paid by the person or persons requesting the extension. Refer to the *Water and Sewer Extension Policy* for more details.

Sec. 10-12. Access to Premises

- (a) Duly authorized agents of the City shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing City property, inspecting piping, reading or testing meters, or for any other purpose in connection with the City's service facilities.
- (b) Each consumer shall grant or convey, or shall cause to be granted or conveyed, to the City a perpetual easement and/or right-of-way as is necessary to access the City's utility infrastructure to furnish service to the consumer.

Sec. 10-13. Change of Occupancy

- (a) Notice must be given in person or in writing, at City Hall, to discontinue service for a change in occupancy.
- (b) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.
- (c) The City may refuse to provide services when an owner of a property is delinquent on utility payments and sells the property to a new owner. The previous owner (seller) is responsible for the payment of the delinquent fees.

Sec. 10-14. Meter Reading - Billing - Collections

- (a) Meters will be read and bills rendered monthly, but the City reserves the right to vary the dates or length of period covered, temporarily or permanently, if necessary or desirable.
- (b) Bills for water and sewer will be figured in accordance with the City's published *Schedule of Fees* then in effect and will be based on the amount consumed for the period covered by the meter readings.
- (c) Charge for active service accounts only, commences when meter is installed and connection made, whether used or not.
- (d) Meter readings for irrigation systems will appear as a separate line on the customer's bill. Compound meters will be billed as one service. All other readings for meters will not be combined for billing.
- (e) Bills are due when rendered. Due dates, penalties, and cut-off information are listed on monthly statements.
- (f) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.
- (g) The property owner is responsible for all water and sewer charges when water usage registers on the meter reading, even if the property is listed as vacant.
- (h) The City Manager shall have the authority to establish administrative procedures for short-term credit extensions where there is a documented short-term inability to pay.
- (i) The City may engage collection agencies, at the discretion of the City Manager, in order to enforce the payment of delinquent accounts. The consumer shall be obligated to pay all costs associated with third-party collection efforts prior to having service resumed at the same location or a new location.
- (j) Adjustments shall be made to correct clerical and/or computer errors on bills. If a customer is incorrectly billed, not billed, or a bill is sent to the wrong party, the City may back bill the customer for the lesser of the actual period or a 2-year period for water and sewer charges. Similarly, in the event customers are charged for services not received, a credit adjustment will be allowed only for amounts paid by the customer for charges incurred within the prior 2-year period. Refer also to the *Utility Customer Service Policies and Procedures*.

Sec. 10-15. Suspension of Service

- (a) When services are discontinued the deposit will be applied to the final bill and the remaining deposit will be refunded to the account holder at last known address, provided the refund amount exceeds \$3.00.

- (b) Irrigation meters may be removed at no charge upon the customer's request. However, as established in the *Schedule of Fees*, a reinstatement fee will apply should the customer subsequently request a new irrigation meter.
- (c) Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the City toward settlement of the account. Any balance will be refunded to the consumer; but if the deposit is not sufficient to cover the bill, the City will proceed to collect the balance in the usual ways provided by law for the collection of debts.
- (d) Service discontinued for nonpayment of bills will be restored only after bills are paid in full, redeposit made, and a non-payment charge made for each meter reconnected.
- (e) Accounts in the name of a deceased customer must be transferred into the name of a spouse, other family member, executor of the estate, or administrator of the estate to avoid disconnection of service.
- (f) The City reserves the right to discontinue its service without notice for the following additional reasons:
  - (1) To prevent fraud or abuse.
  - (2) Consumer's willful disregard of the City's policies.
  - (3) Emergency repairs.
  - (4) Insufficiency of supply due to circumstances beyond the City's control.
  - (5) Legal processes.
  - (6) Direction of public authorities.
  - (7) Strike, riot, fire, flood, accident, or any unavoidable cause.
- (g) It shall be unlawful to turn on water, tamper with, obstruct, rearrange, or interfere in any manner with any public or private fire hydrant, water meter, or water connection on which City water pressure is maintained, or any sewer connection, manhole, or pipe in connection with the City sewer system.
  - (1) The person in whose name such meter is installed or the person(s) so using or receiving the benefits of unmetered, unregistered, or diverted water will be liable for enforcement actions resulting from the unlawful actions cited in (f) above.
  - (2) Persons in violation of this section will be prosecuted as set forth in NCGS 14-151.

(3) The City may, in addition to prosecution by law as provided in NCGS 14-151, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(h) The City Manager has authority to modify the penalty fees and discontinuance of utility service for nonpayment of bills for any customer class when it is deemed to be in the best interest of public health, safety, and welfare.

The City Manager has authority to establish payment plans for accounts with delinquent balances incurred during the policy modification period and set requirements for continuation of services during the payment plan period.

#### Sec. 10-16. Complaints - Adjustments

(a) If the consumer believes his/her bill to be in error, he/she shall present the claim, in person, at City Hall before the bill becomes delinquent. The consumer may pay such bill under protest and said payment shall not prejudice his/her claim.

(b) The City will make on-demand meter readings during business hours at the request of the consumer for general inquiry or to verify readings.

(c) At the request of the consumer, the City will test their meter once at no cost. After the initial test, meters will be tested at the request of the consumer upon payment to the City of the actual cost to the City of making the test provided. However, if the meter is found to be in error, no charge will be made. Refer to the *Utility Customer Service Policies and Procedures* and the *Schedule of Fees*.

(d) If the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of prior bills and/or from other property data.

#### Sec. 10-17. Leak Adjustments; Pool Adjustment

(a) Sewer portion of customer's bill may be adjusted for unusually high water usage in certain circumstances including, but not limited to, service line leak or water heater bursting. The customer is required to provide a plumber's invoice, receipt for repair parts, or other proof that a repair has been made. Customer will pay for all water as read from the meter and pay for sewer based on their average sewer bill over the previous six months. Upon written request, a payment schedule may be available for an unusually high water bill. Certain restrictions apply to leak adjustments. Please refer to the *Utility Customer Service Policies and Procedures*.

(b) The City does not reimburse for plumbing bills.

(c) The City will be proactive in notifying customers with unusual consumption. However, it remains the customer's responsibility to monitor their usage. If the City proactively

notifies a customer of a potential leak, bill adjustments may be limited if the customer fails to repair the leak in a timely manner.

- (d) The customer may request an adjustment to remove sewer charges on water used to fill a residential swimming pool one time each calendar year.

Sec. 10.18. Reimbursement Agreements

- (a) Pursuant to NCGS 160A-499, this section authorizes and sets forth procedures and terms under which the City may approve reimbursement agreements with private developers and/or property owners for the design and construction of municipal infrastructure that is included on the City's Capital Improvement Plan (CIP) and serves the developer or property owner. For the purpose of this section, municipal infrastructure includes, but is not limited to, water mains, sanitary sewer lines, lift stations, stormwater devices, streets, curb and gutter, sidewalks, traffic control devices, and other associated facilities.
- (b) The City Manager, or designee, is authorized to negotiate municipal infrastructure reimbursement agreements with private developers and property owners pursuant to this section. In negotiating such agreements, the City Manager, or designee, shall determine that either:
  - (1) The cost to the City will not exceed the estimated cost of providing for the municipal infrastructure through either eligible force account qualified labor or through a public contract awarded pursuant to NCGS 143-128, et seq., or
  - (2) The coordination of separately constructed municipal infrastructure with the associated private development would be impracticable.
- (c) Reimbursement under this article, if any, may be paid from any lawful source if approved by City Council.
- (d) In general, a municipal infrastructure reimbursement agreement approved pursuant to this section shall not be subject to NCGS Chapter 143, Article 8. However, a developer or property owner who is party to such a reimbursement agreement shall solicit bids in accordance with NCGS Chapter 143, Article 8 when awarding contracts for work that would have required competitive bidding if the contract had been awarded by the City.
- (e) A municipal infrastructure agreement approved pursuant to this section shall require the private developer or property owner to comply with all City rules, regulations, ordinances, and development guidelines, and be current on all debts, fees, and taxes owed to the City.

Article II

HYDRANT USE POLICY

#### Sec. 10-18. Purpose of Fire Hydrants

It is the policy of the City of Archdale that the opening or closing, damaging, tampering, connection to, or withdrawal of water from any publicly owned or privately owned fire hydrant connected to the City of Archdale's water system is expressly prohibited, except in compliance with the terms of this Policy. Water obtained from fire hydrants is NOT potable water; NOT SUITABLE FOR HUMAN CONSUMPTION. Authorized withdrawal of water from any fire hydrant defined above is strictly limited to the following persons and purposes:

- (a) Firefighting activities by Guil-Rand Fire Department (GRFD). Also, fire departments who provide fire protection services within a jurisdiction served by City fire hydrants, or fire departments that provide mutual aid within any area served by City fire hydrants.
- (b) Firefighting training activities by the GRFD.
- (c) Test operations to establish the rate of the flow of water available from fire hydrants by personnel of the GRFD, a registered Fire Department, or authorized personnel of the City Public Works Department. These test operations may include the testing necessary to furnish data needed for fire insurance evaluations or engineering evaluations of the effectiveness of the water system.
- (d) Water flushing and collecting of water samples by authorized City Public Works Department personnel for improving or determining the quality of water in the City water system, or to minimize the possibility of impurities remaining in the water system from breaks, leaks, or repairs to the water system.
- (e) Water withdrawal from publicly owned fire hydrants by authorized City personnel for street maintenance, street cleaning, dust control, landscaping of City property, or cleaning of sanitary or storm sewer lines.
- (f) Water withdrawal through a City of Archdale approved hydrant meter water account using a Hydrant Meter Assembly issued by the Public Works Director ("Director"), or his/her authorized agent, as defined in this Policy.
- (g) Other uses as expressly authorized in writing in advance by the Director.

#### Sec. 10-19. Definitions

For the purpose of this Policy, the following terms are defined to have the meanings described as follows:

- (a) A "person" may include one or more of the following or their agents, employees, representatives, directors, officers, members, partners, managers, superintendents, or legal representatives: individuals, corporations, partnerships, joint ventures, associations, or other entities recognized by the laws of the State of North Carolina.

- (b) “*Schedule of Fees*” shall refer to the latest version of the *Schedule of Fees* for a Water Account Using a Hydrant Meter Assembly as adopted by the Archdale City Council.
- (c) “Business day” shall refer to a single calendar day in which the City of Archdale Customer Services Department is open to receive citizens for transactions and other utility customer services. Saturdays, Sundays, and legal holiday closures established by the Archdale City Council are excluded.
- (d) “Director” shall refer to the Public Works Director or his/her designee.

Sec. 10-20. Enforcement of Policy

Any person who opens, closes, damages, tampers with, connects to, or withdraws water from a City fire hydrant in a manner that does not fully comply with the provisions of this Policy shall be subject to one or more of the following enforcement actions, depending on the severity of the adverse consequences and the previous history of similar occurrences:

- (a) Assessment for the value of the water withdrawn from a fire hydrant based on the City’s retail rates in effect at the time;
- (b) An assessment for the value of the City’s cost of repair of damages to the water system, including damages to the Assembly;
- (c) An assessment for the value of court costs, attorney fees, or other administrative costs for claims consequential to acts prohibited by this Policy;
- (d) A civil penalty issued by the Director of up to five-hundred (\$500.00) dollars per violation;
- (e) An immediate suspension of privileges and closure of any account issued to the person in violation and demand to return the Assembly to the City within five business days of receipt of notice;
- (f) Denial of a future application for an account to use an Assembly to withdraw water from City hydrants; and,
- (g) Criminal penalties pursuant to NCGS 14-159.1.

Sec. 10-21. Water Service Account Using a Hydrant Meter Assembly

A person may obtain an account to use an Assembly from the Director subject to the following conditions:

(a) The applicant shall fill out an application to the City of Archdale for an account on a form designated by the Director at least five business days in advance of the date service is desired. The application may request information sufficient to determine if the applicant has the ability to comply with the provisions of this Policy and other applicable Federal, State, or local laws or regulations, to include the following:

1. Purpose or purposes of water use;
2. Period of time in which water is needed;
3. Estimated volume of water required per month, or estimated total volume required if period of time is less than one month;
4. Size of Assembly requested (must be a size provided by the City, as defined in the *Schedule of Fees*);
5. Make, model, color, and license plate identification for each mobile tanker truck that may be used to receive and transport water received under the requested account;
6. Street address or name of subdivision if water use is for a single property or subdivision;
7. Name of person requesting service and accepting payment responsibility, and billing address; and,
8. Other information applicable to the service application as determined by the Director.

(b) The Applicant shall submit payment for the Application Fee and Deposit, as defined in the *Schedule of Fees*, before the application is considered complete.

(c) The circumstances under which an application for an account may be considered for approval shall be limited as described below:

1. Withdrawal of water for construction work, to include masonry work, mortar mixing, landscaping, dust control, pressure washing, soil compaction, hydromulching, demolition, or other appropriate construction purposes at locations where it is not practical to use an existing or proposed permanent service connection. In cases where the construction work will result in a structure requiring a permanent water service connection, the Applicant may be denied an account and requested to apply for the permanent water service connection for water use during construction.
2. Street maintenance or street cleaning by authorized personnel of the North Carolina Department of Transportation (NCDOT) or their contractors.

3. Contractors retained by the City of Archdale or NCDOT for the purposes of dust control, the construction, maintenance, or cleaning of public streets, sanitary sewer lines, or storm sewer lines.
  4. Businesses for the purpose of cleaning private streets or parking areas, where it is not practical to use a permanent service connection.
  5. Special events, such as street fairs or carnivals, markets, or other temporary events.
  6. Filling of commercial swimming pools, or filling of residential swimming pools by a business engaged in the service of filling pools as a contracted service to residents. Residents proposing to fill a swimming pool for a single owner-occupied or lease-occupied dwelling must use the permanent residential service connection provided to that property.
  7. Filling of tankers for delivery of drinking water shall be prohibited except by emergency relief agencies or their contractors, to supply water for basic public health and safety needs during an emergency. Under such circumstances, the agency assumes full responsibility for the appropriate cleanliness and disinfection of the tanker and all appurtenances.
- (d) An application for an account may be disapproved by the Director under any of the following circumstances:
1. Applicant is found to owe a delinquent debt to the City of Archdale, unless the applicant pays the debt in full, including all legitimate interest and delinquent charges, prior to approval of the application;
  2. Applicant has provided false information on the application or the application is not complete; or,
  3. Other circumstances, as determined by the Director or as defined by the Utility Customer Services Policies and Procedures, where the approval of the application is not determined to be in the best interest of public health and safety.
- (e) If the application is accepted by the Director the City will open an account and the approved application will state the conditions by which the Applicant, receiving approval (Customer), may withdraw water through a fire hydrant connected to the City's water system. These conditions may include the following:
1. An Assembly will be issued to the customer. The Assembly will include a threaded connection to a City fire hydrant, a water meter, a reduced pressure zone backflow preventer, and a hand valve. Ownership of the Assembly, including the water meter, will be retained at all times by the City of Archdale. The City

maintains a limited number of Assemblies based on anticipated customer requests on a first-come, first-served basis and makes no obligation to furnish an Assembly anytime on demand.

2. The customer will be provided instructions on the methods of attaching the Assembly to a fire hydrant, bracing and supporting the Assembly, and opening and closing the fire hydrant. The customer is required to follow these instructions, and is responsible for any damages resulting from failure to adhere to these instructions.
3. The approved application will specify the specific fire hydrants the customer is authorized to use.
4. The customer may not disassemble or disconnect any parts of the Assembly. If a leak or failure of operation occurs, the entire Assembly should be returned to the City.
5. The customer shall abide by all provisions of this Policy and all conditions of the approved application.
6. The customer shall call the City of Archdale Customer Services Department by the end of the last business day of each month and report the meter reading on the Assembly.
7. The customer shall pay the monthly bill issued by the City for the water metered through the Assembly, at rates established in the *Schedule of Fees*, on or before the due date, and shall be responsible for any penalties and interest, as set forth in the annual budget ordinance, if payment is late.
8. The customer shall protect the Assembly against damage and immediately report to the City any damages that occur and the cause of the damages, if known.
9. The customer shall allow the City to inspect the assembly at any time a reasonable request is made by the City.
10. During periods of drought when water use for specified purposes may be restricted by the City of Archdale under water conservation declarations, the customer shall not use the Assembly to withdraw water from the water system for those restricted purposes.
11. The customer shall not use the Assembly at any time to convey any location connected to the City water system except the specific fire hydrants defined in the approved application.
12. The customer shall return the Assembly to the City at the location designated on the approved application at the time the customer desires to close the account, or

by the date one year following the date of issuance of the Assembly currently used by the customer. If the customer returns an Assembly to the City at the end of one year, in good condition, the customer is in compliance with this Policy and the conditions of the approved application, and the customer desires to continue to maintain the account, the customer will be issued another Assembly to use for the next one-year period. This annual exchange of Assemblies permits the City to ensure that the water meter and the backflow preventer on each Assembly in authorized use has been tested within a one-year period. Failure to exchange the Assembly each year, or the continued use of an Assembly after one year, are a violation of this Policy.

13. Within thirty (30) days following the closing of an account and the customer's return of the issued Assembly to the City, the City shall inspect the Assembly for its physical and operating condition and make any repairs if the Assembly has been damaged. The City shall return the customer's Deposit, without the accrual of any interest, within this thirty (30) day period, less any outstanding charges for metered water use, less the cost of any repair of damage to the Assembly, less any further charges to the customer as authorized by this Policy. If the Deposit is not sufficient to cover all charges, the Deposit will be credited toward these charges and a final bill for the remaining balance will be issued to the customer.

(f) An account may be terminated by written notice to the customer upon a finding that the customer has violated any condition of this Policy or the approved application. Upon receipt of notice, the customer shall immediately cease all water use under the account, surrender the Assembly to the City, and comply with other provisions of this Policy for closing an account.

#### Sec. 10-22. Appeals

An Applicant may appeal a decision by the Director to deny an account, or a customer may appeal a decision by the Director to terminate an account against the customer's wishes or take enforcement actions against the customer.

### Article III

#### SEWER SYSTEMS

#### Sec. 10-23. Sewer; Responsibility

The Water and Sewer Department shall be charged with the maintenance and repair of all sewer mains, including the City's side of the lateral pump stations and treatment plants, the construction of house connections, and the operation of all pump stations and treatment plants. There shall be employed in this division an adequate number of employees to properly maintain and operate the facilities of this division.

#### Sec. 10-24. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the City of High Point's wastewater collection and treatment system and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CRF, Part 403).

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of municipal wastewater system.

This ordinance provides for the regulations of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorities monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City and to persons outside the City who are, by contract or agreement with Archdale, users of High Point's POTW. As such, the City of High Point Sewer Ordinance will take precedence in instances of conflict with this ordinance. Except as otherwise provided herein, the Public Works Director shall administer, implement, and enforce the provisions of this ordinance.

#### Sec. 10-25. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated;

- (1) Act or 'the Act'. The Federal Water pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority. The Administrator is an NPDES State with an approved State pretreatment program and the Administrator of the EPA in a non-NPDES State or NPDES State without an approved State pretreatment program.
- (3) Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (a) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; (b) a general partner or proprietor if

- the industrial user is a partnership or proprietorship, respectively; (c) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Average flow per work day. Shall mean the total metered consumption measured during five (5) consecutive twenty-four-hour (24) periods of discharge divided by five.
  - (5) Average hourly flow rate. Shall mean the average flow per work day divided by the number of hours during which the process discharge occurs.
  - (6) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).
  - (7) Building sewer. A sewer conveying waste water from the premises of a user to the POTW.
  - (8) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
  - (9) City. The City of Archdale, North Carolina or the City Council of the City of Archdale.
  - (10) Chlorine demand. Shall mean the difference between the amount of chlorine applied to a sample of waste and the amount of available chlorine residual remaining, after a contact period of twenty (20) minutes, under analytical procedures given in the latest edition of "Standard Methods."
  - (11) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
  - (12) Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designated to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.
  - (13) Direct Discharge. The discharge of treated or untreated waste water directly to the waters of the State of North Carolina.
  - (14) Director. Shall refer to the Public Works Director or his/her designee.

- (15) Domestic sewage. Shall mean that liquid waste from residence building drains, public rest rooms in commercial or industrial establishments, and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.
- (16) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (17) Garbage. Shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (18) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
- (19) Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (20) IDOD (Immediate Dissolved Oxygen Demand). Shall mean that quantity of molecular oxygen that is required immediately in the oxidation of certain substances which is not included in the oxygen consumed in the five-day BOD test and is conducted according to analytical procedures given in the latest edition of "Standard Methods."
- (21) Incompatible pollutant. All pollutants other than compatible pollutants as defined in sub-paragraph 12 of this section.
- (22) Indirect Discharge. The discharge or the introduction of non domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (23) Industrial User. A source of Indirect Discharge which does not constitute a discharge of pollutants' under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).
- (24) Interference. The inhibition or disruption of the POTW treatment processes or operations which contribute to a violation of any requirement of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (25) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in

accordance with section 307(b) and (c ) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

- (26) Monitoring Facility. Shall mean a structure or sampling installation or the purpose of accurately measuring the volume of flow and sampling of the wastes; the design, location and operation of which must be approved by the Director.
- (27) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (28) Natural outlet. Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (29) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (30) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- (31) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (32) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (33) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (34) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (35) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be

obtained by physical, chemical or biological processes, or process changes of other means, except as prohibited by 40 CFR Section 403.6(d).

- (36) Pretreatment requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (37) Properly shredded garbage. Shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
- (38) Publicly owned treatment works (POTW). A treatment works as defined by section 212 of the Act, (33 U.S.C.1292) which is owned in this instance by the City. This definition includes any sewers that convey waste water to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.
- (39) POTW Treatment Plant or Pollution Control Plant. That portion of the POTW designed to provide treatment to wastewater.
- (40) Public sewer. Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority and includes the service connection up to and including the clean-out.
- (41) Schedule of Fees. A document adopted by City Council that outlines charges and fees to be paid under this ordinance, a copy of which is to be on file in the office of the City clerk.
- (42) Sanitary sewer. Shall mean a sewer which carries polluted wastes and to which storm, surface and ground water are not intentionally admitted.
- (43) Sewage. Shall mean a combination of the water-carried wastes from residences, business buildings; institutions and industrial establishments together with such ground, surface and storm water as may be present.
- (44) Sewerage system. Shall mean all facilities of collection, pumping, treatment and disposition of sewage.
- (45) Shall is mandatory; May is permissive.
- (46) Significant Industrial User. Any industrial user of the City's wastewater disposal system who is subject to categorical pretreatment standards (NRDC Consent Decree Industries) or is found by the City, (State Control Agency) or the U.S.

environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the waste water treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system, or is a manufacturing industry using substances of concern, or has a process discharge flow of more than 25,000 gallons per average work day.

(47) Sludge. Shall mean:

- a) Any discharge of water, sewage or polluted wastes which in concentration of any given constituent exceeds for any period of duration longer than ten (10) minutes more than three (3) times the average hourly flow concentration during normal operation.
- b) Any discharge of water, sewage or polluted wastes whose flow rate exceeds for any period of duration longer than ten (10) minutes more than three (3) times the average hourly flow rate.

(48) Standard manhole. Shall mean a sewer inspection entrance constructed according to City standards and having a minimum horizontal diameter of four (4) feet and located on the building sewer downstream from any pretreatment works.

(49) Standard methods. Shall mean the latest edition of "Standard methods for the Examination of Water and Waste water" as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(50) Storm sewer. Shall mean a sewer which carries storm, surface waters, drainage and other unpolluted water but excludes sewage.

(51) State. State of North Carolina.

(52) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(53) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.

(54) SS (denoting suspended solids). Shall mean the material removed from water, sewage, or other liquids by laboratory filtering when performed according to prescribed procedures in the latest edition of "Standard Methods" expressed in milligrams per liter.

(55) Superintendent. The person designated by the City to supervise the operation of the publicly owned treatment works.

- (56) Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other Acts.
- (57) User. Any person, who contributes, causes or permits contribution of waste water into the City's POTW.
- (58) Waste water. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (59) Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
- (60) Wastewater Discharge Permit. As set forth in Secs.10-38-10-41 of this ordinance.

Sec. 10-26. Abbreviations

- (a) The following abbreviations shall have the designated meanings

BOD	Biochemical oxygen demand.
CFR	Code of Federal Regulations.
COD	Chemical oxygen demand.
EPA	Environmental Protection Agency.
l	Liter.
mg	Milligrams.
mg/l	Milligrams per liter.
NPDES	National Pollutant Discharge Elimination System.
POTW	Publicly owned treatment works.
SIC	Standard Industrial Classification.
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
U.S.C.	United States Code.
T.S.	Total Suspended Solids.

Sec. 10-27. Sewer Service Charge; Installation of Water Meters or Measuring for Service Without Sewer Charge

- (a) For the purpose of defraying a portion of the expense of maintaining and operating the public sewer system, there shall be a sewer service charge levied and collected monthly in respect to all property in which there is a sewer connection with the public sewer

system. The rate for water and/or sewer service is set forth by the *Schedule of Fees*. The occupants of the premises shall be liable for the payment thereof as in case of the water charge. Such charge shall be added to each water bill monthly and shall be payable at the time that the water bill is payable. The penalty for failure to pay such charge shall be the same as in case of failure to pay the water bill.

- (b) Water used for watering lawns, manufacture of ice, mixing concrete and other uses in which no portion is returned to the sanitary sewer system may be metered separately. A sanitary sewer service charge will not be billed on water used in these types of operations provided meters are installed by the City at the expense of the owner to measure only the water not required to be returned to the sanitary sewer or the Director of Water and Sewer Utilities may determine actual quantity of water used for bulk uses and cost of labor and materials for billing purposes.
- (c) Where a well is used by any person and water from such well is put into the sanitary sewer system of the City, then such person shall install, at his/her own expense, the necessary meter or meters, obtained from the City, to register the amount of water used from such well which goes into the sanitary sewer system and the sewer service charge thereon shall be the same as the herein above given. This installation will be required if it is determined by the Public Works Director to be in the best interest of the City.

In case where the City determines not to require the installation of a meter, a flat rate shall be applied, as outlined in the *Schedule of Fees*.

These rates may apply where the water consumption of the residence or other approved user is generally no more than that of a one family residence. The Public Works Director shall determine whether the customer will be on the minimum or higher flat rate or whether a meter is to be installed to determine the sewer service charge and he shall set the amount of the charge based on estimated consumption. Metering may be required where water is used for industrial purposes or where monthly or yearly discharge of waste water to the sanitary sewer system fluctuates over a wide range.

A flat rate shall not be used where the water supply is from a State approved public water supply.

#### Sec. 10-28. Polluted Water; Control

All polluted water from homes, commercial establishments and manufacturing plants, whether such water is obtained from the City of Archdale or not, when polluted by its use, shall be forced into the City's sanitary sewer system provided such wastes meet the requirements of this chapter.

#### Sec. 10-29. Use of Public Sewers Required

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

- (b) It shall be unlawful to discharge to any natural outlet within the City or in any area under its jurisdiction, any sewage or other polluting material, except where suitable treatment has been provided in accordance with applicable local, State and Federal laws, ordinances and policies. In the event such polluting material is discharged, whether accidental or otherwise, it shall be the responsibility of the person causing the discharge. Where an objectionable or offending condition shall exist, as determined by the Director, the person causing the discharge will immediately take corrective measures to remove or otherwise eliminate the offending condition in a manner approved by the Director. In any unusual circumstances where an imminent threat to the health and safety of the public may deem to exist, or where corrective measures are not taken promptly by the person causing the offending condition, the Director may then take such steps as he determines necessary to remove the polluting materials and eliminate the offending condition with such costs to be borne by the person causing such condition.

#### Sec. 10-30. Prohibited Use of Public Sewers

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off or subsurface drainage into any sanitary sewer. Storm water and surface drainage shall be admitted to only such sewers as are specifically designated as storm sewers or storm drains. Unpolluted process and cooling waters may, upon written application and approval by the Director, be discharged to storm sewers or storm drains.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

- (a) Any clothing, rags, textile remnants or waste, cloth, scraps, etc., except materials of such size that will pass through a one-half (1/2) inch mesh screen or its equivalent in screening ability.
- (b) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer.
- (c) Any wastes or water containing mineral or hydrocarbon fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit, but this prohibition shall not be deemed applicable to vegetable and animal fats, grease or oils which are compatible with or biodegradable by the City's sewerage treatment facilities unless otherwise prohibited by this article.
- (d) Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or in any way be injurious to persons, the public sewer system, the pollution control plants, or the operation of the pollution control plants.

- (e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
- (f) Any waters or wastes having a pH lower than 5.5 or higher than 9.5 which also have some demonstrable property capable of causing damage or hazard to structures, treatment processes, equipment or personnel of the sewerage system.
- (g) Any waters, except as hereinafter provided in Sec.10-30, which have the following characteristics:
  - (1) A BOD greater than 300 mg/1 or,
  - (2) A SS greater than 250 mg/1.
- (h) Liquid wastes containing any toxic or poisonous substances in sufficient quantities to:
  - (1) Constitute a hazard to personnel operating or maintaining the sewerage system and pollution control plants; or
  - (2) Interfere with the biological processes used in the treatment plants; or
  - (3) Which, in combination with other liquid wastes, upon passing through a pollution control plant will be harmful to persons, livestock, or aquatic life utilizing the receiving streams into which water from the treatment plant is discharged; or
  - (4) As may be restricted by local, State and Federal regulations.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance while being conveyed through the sewerage system or at the treatment plant.
- (j) Any garbage that has not been properly shredded.
- (k) Any ashes, cinders, sand, mud, straw, shavings, metal, grease, fats, glass, bones, glue, feathers, fish or poultry offal, tar, plastics, wood, rubber, parch manure or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewers or pollution control plants.
- (l) Any materials which form excessive amounts of scum that may interfere with the operation of the pollution control plants or cause undue additional labor in connection with their operation.
- (m) Any waters or wastes containing dyes, or other substances which are not removable by existing sewage treatment plant processes.

- (n) Any waters or wastes in unusual volume of flow or concentration of wastes constituting, "slugs" as defined herein and where, in the opinion of the Director, such slugs may interfere with the process operations and/or maintenance of the sewerage system.
- (o) Any waters or wastes have a chlorine demand in excess of 20 mg/1.
- (p) Any waters or wastes that have an immediate dissolved oxygen demand in excess of 3 mg /1.
- (q) Petroleum oils or greases and exhaust gases from internal combustion engines.
- (r) No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with this ordinance. Equalization of process water is not to be construed as dilution.

The Director may impose mass (weight) limitations in the permits of users which are using dilution to meet applicable pretreatment standards or where the Director deems the imposition of mass (weight) limitation as appropriate.

The spirit and intent of this article will apply in any situation involving liquid wastes not specifically covered by said article.

#### Sec. 10-31. Flow Equalization

In order to promote equalization of flows and/or BOD or SS loadings on the sewerage system, each person who discharges slug loadings or more than forty thousand (40,000) gallons per twenty-four (24) hour day may be required by the Director to install and maintain at his/her own expense a suitable storage or holding tank. Such holding or storage tank and the outlet device controlling the discharge of wastes to the sanitary sewer shall be approved by the Director who will also determine the settings for the outlet control device.

#### Sec. 10-32. Monitoring Facilities

To facilitate observations, flow measurements and sampling of liquid wastes discharged to the City's sanitary sewer, any person who discharges or proposes to discharge liquid wastes into the City's sanitary sewer shall construct a suitable monitoring facility, located on the building sewer and downstream from any pretreatment works, provided:

- (a) The BOD concentration exceeds 300 mg/1; or
- (b) The SS concentration exceeds 250 mg/1; or
- (c) The average flow per work day exceeds 25,000 gallons; or
- (d) The manufacturing processes produce toxic or poisonous wastes such as, but not limited to cyanides, heavy metals, insecticides, herbicides, etc.

All industrial users subject to categorical pretreatment standards will also be required to provide and operate, at the user's own expense, monitoring facilities for flow measurement and any sampling required by the Director or the categorical pretreatment standard. Plans for the location and construction of the control manhole and monitoring facilities shall be approved by the Director prior to commencing the installation.

In special and unusual circumstances pertaining to the requirement that a monitoring facility be installed; the Director shall make disposition of such instances in keeping with the intent of this article and the best interests of the City.

Any person who discharges or proposes to discharge polluted wastes other than domestic sewage and who is not required to install monitoring facility shall provide a standard manhole located on the building sewer or other approved access to the wastes.

Certain categories of industries, who by virtue of the volume, strength, or toxicity of their waste water discharge, will be required to furnish, install and maintain an automatic sampler and flow meter of a type approved by the Director. Such categories of industries will include but not be limited to electroplaters, chemical manufacturers, and any industry required to pretreat their wastes prior to discharge.

Grease, oil, volatile liquids and sand interceptors shall be provided when, in the opinion of the Director, these constituents are present in excessive amounts and may interfere with collecting and treating of said wastes. Interceptors shall be of a type and capacity subject to approval by the Director, shall be located to be readily and easily accessible for cleaning and inspection, and shall be maintained at all times by the person discharging said wastes.

Any person who is required under provisions of this article to install any of the following structures, namely a holding tank, monitoring facility, sewer manhole or other approved access, an interceptor or any other pretreatment device, shall submit plans and specifications to the Director for approval within three (3) months following written notice of this requirement.

Within six (6) months from the date of written approval of submitted plans and specifications by the Director, such device shall be completed and in operation.

#### Sec. 10-33. Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory shall immediately supersede the limitations imposed under this ordinance. The Director shall notify all affected users of the applicable reporting requirements under 40 CRF, Section 403.12.

#### Sec. 10-34. Accidental Discharges

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

The Director shall require an approved "Spill Control and Prevention Program" of all users under permit and all users deemed by the Director to have significant potential for accidental spills, such as users who at any time, use, consume, produce or store on their premises any flammable, volatile, explosive or corrosive materials in excess of 50 gallons.

A "Spill Control and Prevention Program" shall include but not necessarily be limited to:

- (1) The submission of detailed plans showing facilities and operating procedures to provide protection from spills prior to construction of new facilities.
- (2) Procedures for immediate notification of the Director ~~or his delegate~~ in case of accidental spills. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
- (3) Written Notice: Within five (5) days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system, kills, or any other such damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
- (4) Notice to Employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur as advised of the emergency notification procedure.

#### Sec. 10-35. Surcharge

In order that all sewer users bear their equitable share of costs for the collection and treatment of sewage, a monthly surcharge shall be imposed where the concentration of BOD or SS exceeds the limits as herein before prescribed. The amount of the monthly surcharge will be determined by calculating the excess BOD and SS concentration above the permissible limits of 300 mg/l BOD, and 250 mg/l SS, according to the following formula:

- (1) The number of hundreds of pounds of constituent (BOD or SS) subject to the surcharge will be determined by:

$$P = \frac{U \times C \times 0.006238}{100}$$

Where:

P = Pounds of constituent (BOD or SS) in hundreds.

U = Units of wastewater discharge (1 unit = 100 Cu. Ft.).

C = Strength of constituent in wastewater in mg/l in excess of 300 for BOD, or 250 for SS.

0.006238 = Weight of wastewater (million pounds per unit).

(2) The amount of the surcharge will be calculated by:

$$ST = R1 \times P1 + R2 \times P2$$

Where:

ST = Total Surcharge.

R1 = Surcharge rate per CWT BOD.

R2 = Surcharge rate per CWT SS.

P1 = Pounds of BOD in hundreds.

P2 = Pounds of SS in hundreds.

R1 and R2 are determined by a system of user charges and are set forth in a rate schedule adopted by City Council.

The City Council, in a meeting with the City manager and the Director, will annually review the actual cost of operation and maintenance of the pollution control plants and adjust the surcharge rate to reflect the true cost of constituent treatment. Such adjustment, if any, will become effective with the billing period following the first day of September of each year.

The volume of flow used in calculating the amount of surcharge will be based upon the metered water consumption as shown in the records of meter readings maintained by the City. Where satisfactory evidence can be produced that more than ten (10) percent of the total annual volume of water consumed does not return to the public sewer, such water may be metered separately, subject to the approval of the Director, and excluded from the surcharge computation.

#### Sec. 10-36. Sampling and Testing Procedures

Each person discharging liquid wastes into the public sewer shall be subject to periodic inspection to determine the character and concentration of such wastes. The concentration of the BOD and SS shall be determined by the City in such manner to provide a typical, representative sample. The costs incident to the supervision, inspection, sampling and analysis for regularly scheduled samplings shall be included in the surcharge fees. The City shall also make inspection and tests immediately after any significant process changes which may affect the quantity or quality of wastes discharged. The frequency of sampling shall be as required by the Director but no less than the following:

- (a) When the amount of the surcharge is five hundred dollars (\$500.00) or less per month, samples shall be taken twice per year.

- (b) When the amount of the surcharge is between five hundred dollars (\$500.00) and one thousand dollars (\$1,000.00) per month, samples shall be taken three (3) times per year.
- (c) When the amount of the surcharge is greater than one thousand (\$1,000.00) dollars per month, samples shall be taken four (4) times per year.

The City, upon request by the industry concerned, shall make available a split sample of the composite sample collected. If the industry feels the results are not representative of their wastes, the City will resample at a cost to the industry of one hundred dollars (\$100.00) per day which will include the analyses for BOD and SS. The values determined from any resampling shall be used for future billings (or until the results of the next sampling are made) but will not be retroactive for any prior billing.

Samples from monitoring facilities will be composited according to flow. All other sampling will be conducted in a manner prescribed by the Director.

Tests and analyses of waste waters shall be made in accordance with procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

#### Sec. 10-37. Appeal of Findings

In the event of differences or disputes over findings, rulings or interpretations of this article by the Director, appeal may be made to the City manager and, if necessary, to the City Council.

#### Sec. 10-38. Powers and Authority for Inspection

The Director or duly authorized employees shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where waste water is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Approval Authority, and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. In the event any authorized employee is refused admittance to the premises for the above purposes or is hindered or prevented from making such inspection, the water shall be turned off and not turned on again until free access is permitted.

#### Sec. 10-39. Permits for Wastewater Dischargers

It shall be unlawful to discharge without a City permit to any natural outlet within the City, or in any area under the jurisdiction of said City, and/or to the POTW any waste water except as authorized by the Director in accordance with the provisions of this ordinance.

#### Sec. 10-40. General Permits

Any person who discharges or proposes to discharge any liquid wastes other than domestic wastes into the sanitary sewers shall make application to the Director for a Wastewater Discharge permit. The Director shall approve such applications only when evidence is submitted by the applicant that such discharge will comply with all requirements of this article.

#### Sec. 10-41. Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee as prescribed the *Schedule of Fees*. Existing users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. The user shall submit all information required by Title 40 of the Code of Federal Regulations Sec. 403.12. Including information on the nature of the industrial processes on the premises, the characteristics of the wastewater and its constituents, a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if the pretreatment standards are not being met consistently the shortest schedule with which the user will provide the necessary pretreatment and/or operation and maintenance to meet the pretreatment standards. Permit application forms will be provided by the City.

The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

#### Sec. 10-42. Permit Modifications

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Sec. 20-43.2.2, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Discharge Permit shall submit to the Director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 10-41.

#### Sec. 10-43. Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the City. Permit may contain the following:

- (a) Limits on the average and maximum wastewater constituents and characteristics;
- (b) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (c) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (d) Compliance schedules;
- (e) Requirements for submission of technical reports or discharge reports according to Secs. 10-44 and 10-45;
- (f) Requirements for maintaining and retaining plant records relating to waste water discharge as specified by the City, and affording City access thereto;
- (g) Requirements for notification of the City of any new introduction of waste water constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (h) Requirements for notification of slug discharges as per Sec.10-49;
- (i) Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

#### Sec. 10-44. Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Section 10-28 are modified or other just cause exists. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### Sec. 10-45. Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

#### Sec. 10-46. Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional registered engineer.

#### Sec. 10-47. Periodic Compliance Report

- (a) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average reported daily flow. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.
- (b) The Director may impose mass (weight) limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass weight limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall include the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Regional EPA Administrator pursuant to section 304(9) of the Act and contained in 40 CFR, part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Regional EPA Administrator.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique or the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Regional EPA Administrator).

#### Sec. 10-48. Industrial Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards, except that where State or City standards are more stringent, then the more stringent standards shall apply, within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Director under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the user's initiation of the changes.

The City shall annually publish in a newspaper of general local circulation, a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

#### Sec. 10-49. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions

of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a 10 day notification is given to the user.

Sec. 10-50. Enforcement; Harmful Contributions

The City may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Director, in order to stop actual or threatened discharge which presents or may present imminent or substantial endangerment to the health or welfare persons, to the environment, cause interference to the POTW cause the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the persons to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Director shall reinstate the Wastewater Discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the cause of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the Director within fifteen (15) days of the date of occurrence.

Sec. 10-51. Enforcement

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having their permit revoked in accordance with the procedures of Secs. 10-48 through 10-51 of this ordinance.

- (a) Failure of a user to factually report the wastewater constituents and characteristics of their discharge;
- (b) Failure of the user to report significant changes in operations, or waste water constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

Sec. 10-52. Notification of Violation

Whenever the City finds that any user has violated or is violating this ordinance, waste water contribution permit, or any prohibition, limitation of requirements contained herein, the Director may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Director by the user.

#### Sec. 10-53. Show Cause Hearing

The City may order any user who causes or allows an authorized discharge to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The City Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City to:

- (a) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) Take the evidence;
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Council for action thereon.

#### Sec. 10-54. Transcript of Hearing

At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

#### Sec. 10-55. Orders

After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

#### Sec. 10-56. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's waste water disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the City, the City attorney may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this State.

#### Sec. 10-57. Civil Penalties

Any user who is found to have violated an order of the City Council or who willfully or negligently failed to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

#### Sec. 10-58. Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for no more than six (6) months, or by both.

### Oil and Grease Removal

#### Sec. 10-59. Purpose

This policy is designed to implement and enforce the oil and grease discharge rules of the Sewer Use Ordinance sections 10-29(c)(k)(q), and 10-30 and the requirements set forth in Condition 1(4) of the Comprehensive Collection System Permits required by House Bill 1160. The intent of this policy is to ensure compliance with the City's Sewer Use Ordinance and provide specific standards for oil and grease interceptor's location, type and size, installation, construction, and maintenance.

It is the duty of the CITY OF ARCHDALE's Public Works Department to meet the conditions set forth in its North Carolina Division of Water Quality (NCDWQ) issued Collection System permit thereby preventing the excessive introduction of oil and grease into the City's sewer system and wastewater treatment plant which have the potential for creating hazardous conditions in the collection system, treatment plant inhibitions, increased treatment cost, fines, and other cost for the City.

Food Service Establishments shall provide means of preventing oil and grease discharges to the sewage collection system above Sewer Use Ordinance limits. Where an oil and grease interceptor currently exists or is required by the CITY OF ARCHDALE Public Works

Department and this ordinance, the owner, leaseholder or operator at their expense shall maintain it for continuous, satisfactory and effective operation.

Sec. 10-60. Authority

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewer:

- (a) Any wastes or waters containing mineral or hydrocarbon fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter; or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit, but this prohibition shall not be deemed applicable to vegetable and animal fats, grease or oils which are compatible with or biodegradable by the City's sewerage treatment facilities unless otherwise prohibited by this article.
- (b) Any ashes, cinders, sand, mud, straw, shavings, metal, grease, fats, glass, bones, glue, feathers, fish or poultry offal, tar, plastics, wood, rubber, parch manure, or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewers or pollution control plants.
- (c) Petroleum oils or greases and exhaust gases from internal combustion engines.

Powers and Authority for Inspection

The Director or duly authorized employees shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The City, Approval Authority, and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. In the event any authorized employee is refused admittance to the premises for the above purposes or is hindered or prevented from making such inspection, the water shall be turned off and not turned on again until free access is permitted.

Sec. 10-61. Definitions

- (1) Control Authority: The Director of Public Works for the CITY OF ARCHDALE or his/her designee.

- (2) **Food Service Establishment:** Any commercial facility discharging kitchen or food preparation wastewater; including restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessen, meat cutting preparation, bakeries, etc. and any other facility which, in the opinion of the Control Authority, would require a grease rap installation by virtue of its operation.
- (3) **Grease Interceptor / Grease Trap:** A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the “outdoor” or underground type normally of a 1000-gallon capacity or more, or the “under-the-counter” package units, which are typically less than 100-gallon capacity. For the purpose of this definition, the words “trap” and “interceptor” are used interchangeably.
- (4) **Grease:** Grease is defined to include the accumulation of oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not, in the Sewer System of the Authority. These are substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0 degrees – 65 degrees Celsius).
- (5) **Grease Generating Establishments:** Grease generating establishments shall mean all retail food establishments, catering establishments, commercial food preparation facilities, meat processing facilities, and other establishments that may be capable of accumulating and discharging grease in to the sewer system.
- (6) **Interference:** A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits and/or disrupts the POTW, its treatment processes and/or its sludge processes, use and/or disposal. Interference shall include, but not be limited to, a discharge which alone or in conjunction with a discharge or discharges from other sources causes, in whole or in part, a violation(s) of the City’s NPDES Permit, Collection System Permit, and/or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulation(s): Sec. 405 of the Act (33 U.S.C. 1345), or any criteria, guideline or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901, et seq), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA), or more stringent State criteria (including those contained in any State sludge management plan prepared to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the POTW.
- (7) **Owner:** Owner shall mean individual, person, firm, company, association, society, corporation, or group on whose property the building or structure is located or will be constructed.

Sec. 10-62. General Requirements

Authority: Chapter 10 – Sections 1004.4 of the North Carolina State Building Code,  
Volume II – Plumbing.

“A grease interceptor shall be installed in the waste line leading from sinks, drains or other fixtures in the following establishments when, in the opinion of the plumbing official, a hazard exists: restaurants, hotel kitchens or bars, factory cafeterias or restaurants, clubs, or other uses where grease can be introduced into the drainage system in quantities that can affect line stoppage or hinder sewage disposal.”

- (a) All Food Service Establishments shall have grease-handling facilities approved by the Control Authority. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent floatable oils, fat or grease from entering the sewerage system shall be notified in writing of any noncompliance and required to provide a schedule whereby corrections will be accomplished.
- (b) All Food Service Establishment’s grease-handling facilities shall be subject to review, evaluation, and inspection by the CITY OF ARCHDALE Public Works Department representatives during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator.
- (c) Food Service Establishments receiving two (2) consecutive unsatisfactory evaluations or inspections may be subject to penalties or other corrective actions as provided for in the Sewer Use Ordinance.
- (d) Food Service Establishments who continue to violate the Oil and Grease Removal Ordinance Requirements may be considered grounds for discontinuance of sewer service.
- (e) Food Service Establishments whose operations cause or allow excessive grease to discharge or accumulate in the CITY OF ARCHDALE collection system may be liable to the City for costs related to Public Works Department service calls for line blockages, line cleanings, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service-related charges may also be grounds for sewer service discontinuance.
- (f) Regularly scheduled maintenance of grease-handling facilities and equipment is required to ensure adequate operation. In the maintaining of these grease interceptors, the owner, lease-holder or operator shall be responsible for the approved removal and disposal of grease by the CITY OF ARCHDALE Oil and Grease Removal Ordinance guidelines, and shall maintain on-site records for a period of three (3) years. These records shall include:
  - (1) Clean-out date
  - (2) Time of clean-out
  - (3) Name of clean-out firm
  - (4) Name and signature of clean-out firm agent performing said service
  - (5) Signature of owner/manager

- (6) Approximated amount, per best professional judgment of contract service provider, of grease and solids removed from each grease trap/interceptor
  - (7) Destination of removed waste, food solids, and wastewater disposal
  - (8) Any new installation, upgrades or repairs to grease trap/interceptor
  - (9) Such other information as required by the Control Authority
- (g) The Owner shall be responsible for ensuring that no waste or wastewater pumped from the grease interceptor/grease trap is reintroduced back into the interceptor. This is a violation of the City Sewer Use Ordinance and can result in enforcement action.
- (h) Any Food Service Establishment whose effluent discharge to the sewerage system is determined by the CITY OF ARCHDALE to cause interference in the conveyance or operation of the sewerage system may be required to sample its grease trap discharge and have it analyzed for oil and grease at the expense of the owner, lease-holder or operator. Results of such analyses shall be reported to the CITY OF ARCHDALE Public Works Department.
- (i) All grease traps/interceptors shall be designed to have a minimum 24-minute detention time and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the sewer.
- (j) Food Service Establishments shall adopt procedures for handling sources of floatable oils, fat or grease originating within their facility. A notice shall be permanently posted at a prominent place in the facility-advising employees of the procedures to be followed.

Sec. 10-63. Construction Standards

(a) New Facilities

All new Food Service Establishments shall be required to install a grease interceptor, according to the Control Authority guidelines. Grease interceptors shall be adequately sized, with no interceptor less than 1,000 gallons total capacity unless otherwise approved by the Control Authority. The following information must be supplied to the CITY OF ARCHDALE Public Works Department before plans will be approved and Authorization to Construct (Install) is issued.

- (1) Plumbing drawings for the proposed facility.
- (2) Identification and Dimensions (length x width x depth) in inches for each compartment of each drainage unit.
- (3) Dishwasher contribution (per supplier) in GPM.
- (4) Pulper contribution (per supplier) in GPM.

- (5) Drain specifications (pipe diameter).
- (6) Name of engineering firm who sized “Trap”. Site plans must be signed and sealed by a North Carolina licensed professional engineer to certify the plan meets all requirements of this Ordinance.
- (7) Trap information including: supplier, type, size, calculations used to determine required 24 min. detention time.
- (8) Flow control device information. Type.
- (9) Any other information requested by the Control Authority.

No new Food Service Establishments will be allowed to initiate operations until grease handling facilities are installed and approved by the Control Authority.

All grease interceptors, whether singular or two tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition.

A basket, screen or other intercepting device shall prevent passage into the drainage system of solids, ½ inch or larger in size, for under the counter units. The basket or device shall be removable for cleaning purposes.

If a Food Service Establishment chooses to install or has a food-waste grinder installed, the waste from these units shall pass through a grease interceptor. The Food Service Establishment shall service and maintain the unit as often as necessary to meet the conditions of this ordinance.

(b) Existing Facilities

All existing Food Service Establishments shall have grease-handling facilities, approved by the Control Authority. Food Service Establishments without any grease-handling facilities will be given a compliance deadline not to exceed six (6) months from date of notification to have approved and installed grease-handling equipment in compliance with this policy. Failure to do so will be considered a violation of the City of Archdale Sewer Use Ordinance and may subject the facility to penalties and corrective actions or service discontinuance. Said installations shall meet the same requirements for design as for new facilities. (See Section A. above under Construction Standards).

In the event an existing Food Service Establishment’s grease-handling facilities are either under-designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies, required improvements, and given a compliance deadline not to exceed six (6) months to conform to the requirements of this Oil and Grease Removal Ordinance.

For cases in which “outdoor” type grease interceptors are infeasible to install, existing Food Service Establishments will be required to install adequate and approved “under-the-counter” grease traps for use on individual fixtures including dishwashers, sinks, and other potentially grease-containing drains.

If it is determined that an “outdoor” type grease interceptor is infeasible the Food Service Establishment shall meet the same requirements for design as for new facilities. (See Section II. A. above under Construction Standards). Flow control fittings must be provided to the inlet side of all “under-the-counter” units to prevent overloading of the grease trap and to allow for proper operation.

Site plans must be submitted for additions and renovations made to existing facilities. Site plans must be signed and sealed by a North Carolina professional engineer to certify the plan meets all requirements of this policy. Improvements made to existing facilities will be evaluated to determine their impact on the grease retention unit. Establishments will be required to install a larger sized unit if the potential daily grease production is significantly increased.

The Control Authority approval of flow control devices and grease trap design must be obtained prior to installation.

The location of “under-the-counter” units must be as near the source of the wastewater as physically possible.

Wastewater from garbage grinders shall be discharged to grease traps/interceptors.

In maintaining grease traps/interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the CITY OF ARCHDALE Public Works Department. (See Section I. F.)

The use of enzymes, grease solvents, emulsifiers, etc. is not considered an acceptable grease trap maintenance practice and therefore is prohibited.

#### (c) New Food Service Establishments in Existing Buildings

Where practical, new Food Service Establishments located in existing buildings will be required to comply with the grease trap standards applicable to new facilities. (See Section II.).

Where physically impossible to install “outdoor” units, “under-the-counter” units may be allowed as with existing food service establishments provided prior approval of unit type, size, locations, etc. is approved by the CITY OF ARCHDALE Public Works Department (See B.2. above).

Sec. 10-64. Exceptions

Under certain circumstances, the interceptor size and location may need special exceptions to this policy. If an exception to this policy is requested, the User must demonstrate that the size and location will not cause the facility any problems in meeting the discharge requirements of the Control Authority. Any variance to the requirements herein shall be granted at the discretion of the Public Works Director for the CITY OF ARCHDALE.

The intent of this policy is to ensure compliance with the City's POTW NPDES Permit, which is required by the United States Environmental Protection Agency. This policy is in no way intended to discourage development, but rather to protect the facilities and the City's infrastructure as it relates to the sanitary sewer system.

#### Sec. 10-65. Enforcement

- (a) The Control Authority shall conduct a minimum of one compliance inspection annually. The Director of Public Works may direct Public Works staff to inspect any one or more Food Service Establishments based on compliance history, collection system problems, etc.
- (b) Food Service Establishments determined to be in Non-Compliance of the Oil and Grease Removal Ordinance requirements that are linked to a collection line blockage will be required to reimburse the CITY OF ARCHDALE for expenses associated with clean-up.
- (c) Food Service Establishments determined to be in Non-Compliance with the Oil and Grease Removal Ordinance requirements that are linked to a collection line blockage will be required to increase its interceptor cleaning frequency.
- (d) The CITY OF ARCHDALE may assess penalties for failure to keep required records, failure to clean in-floor/under-sink unit(s) daily or in-ground units every 60 days or according to variance issued by the CITY OF ARCHDALE.
- (e) Cleaning/Pumping shall include the complete removal of all contents, including floatable materials, wastewater, sludge, and solids.
- (f) The Control Authority may modify the 60 day grease interceptor pump frequency when the Food Service Establishment provides data, and performance criteria relative to overall effectiveness of a proposed alternative and such can be substantiated by the Control Authority.

#### Sec. 10-66 Emergency Actions and Procedures

- (a) The Control Authority is authorized to take all necessary actions to immediately and effectively halt or prevent a grease discharge to the sanitary system, storm sewer or surface water.

- (b) Any owner/user with grease trap/interceptor maintenance problems or situation resulting in the discharge of fats, oils, and grease to *surface waters* must halt discharge immediately. Immediately is defined as within 15 minutes of becoming aware of the problem. Any repairs to the system must be completed within 24 hours of the problem at the expense of the food establishment owner, leaseholder, or user. (See Sec. 10-28)

Sec. 10-67. Penalties

- (a) Food Service Establishments determined to be in non-compliance with the record keeping requirements of the Oil and Grease Removal Ordinance will be issued a Notice of Violation (NOV). Food Service Establishments determined to be in non-compliance twice in a twelve-month period for record keeping could be fined up to \$500.00.
- (b) The SEWER USE ORDINANCE provides for civil penalties of up to \$1,000 per day.
- (c) Food Service Establishments that do not install a grease trap/interceptor when instructed to do so by the Control Authority will be fined \$200.00 per month until a properly sized trap/interceptor is installed.

The oil and grease removal program may be modified or changed by the City of Archdale at any time in accordance to the requirements of the City Sewer Use Ordinance, North Carolina General Statutes and Federal regulations.