



TOWN OF LANSING, NORTH CAROLINA WATER AND SEWER ORDINANCE

BE IT ORDAINED by the Board of Aldermen of the Town of Lansing, North Carolina, under Article 1 of Chapter 162A of the General Statutes, that the Ordinance, Water and Sewer, is hereby written:

- § 1.0 General Provision and Service Regulations**
- § 2.0 Application for Service**
- § 3.0 Rates and Additional Fees**
- § 4.0 Access to Premises**
- § 5.0 Meter Reading and Determination of Service Fees**
- § 6.0 Billing**
- § 7.0 Prohibited Activities**
- § 8.0 Town Property and Maintenance Thereof**
- § 9.0 Town Responsibility and Liability**
- § 10.0 Customer Responsibility**
- § 11.0 Termination or Interruption of Service by Town**
- § 12.0 Notice of Proposed Termination of Service**
- § 13.0 Right of Hearing and Stay of Termination Pending Hearing Outcome**
- § 14.0 Procedure for Reinstatement**
- § 15.0 Termination Upon Request by Primary Applicant**
- § 16.0 Connection to the Water and Sewer System**
- § 17.0 Rejection of Permit Application**
- § 18.0 Construction of Connections**
- § 19.0 Town Inspection: Multi-Unit Building Developments on Single Lot**
- § 20.0 Definitions**

Sec. 1.0 General Provision and Service Regulations

The public water and sewer system shall be owned and operated by the Town of Lansing and controlled by the governing body (definition of “governing body” as stated in G.S. 162A-2 section 4). The duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the water and sewer system shall be rested in the board of Alderman or its authorizing agent. A copy of these rules and regulations shall be kept on file in the office of the town clerk.

Sec. 2.0 Application for Service

Application for water or sewer service shall be made at the town hall during normal business hours. Application shall be made on the forms prescribed. Water and sewer service may be provided to physical structures located at a stated address, not individuals, by means of application. Approved applications will constitute a contractual agreement between application signers and the Town of Lansing to deliver water or services to the address(es) stated on the application.

- A. Applications made by property owners (OWNER) for physical dwellings or places of business are not required to have a guarantor signature as the OWNER will be the guarantor and shall be responsible for payment of recurrent billing.
 - 1. Where services have been provided and when the property is placed for sale while encumbered by a service fee balance. The Town may pursue other legal recourse to acquire fees owed.
- B. Applications made by lessees for physical dwellings, or places, are required to have the OWNER signature as guarantor. The lessee will be the primary person responsible and shall be responsible for payment of recurrent billing, however upon such occasion where the lessee does not satisfy the balance due within 60 days the guarantor will assume responsibility for the outstanding billed fee(s).
- C. Where application is made by anyone other than the OWNER and where a guarantor signature, for whatever reason, cannot be applied the service application may be reviewed for approval and acceptance by the Lansing Board of Aldermen. The applicant shall be responsible for payment of recurrent billing.
 - 1. In lieu of guarantor signature a one-time fee, assessed and due at the time of application and as maintained in the adopted schedule of fees, will be required in addition to any other applicable fees to establish service, provided application acceptance review is favorable. This fee may be applied to any account balance upon the termination of services should a balance due exist. Otherwise the balance will be returned to the signing applicant.

Sec. 3.0 Rates and Additional Fees

With the guidance of Article 1 of G.S. 162A-9 the Board may adopt and amend from time to time a schedule of rates and additional fees relating to the water and sewer services provided by the town. A copy of this schedule shall be maintained and shall be available for public inspection during regular office hours in the office of the town clerk.

- A. The minimum service charge, as provided in the rate schedule, shall be made for each meter installed regardless of location.
- B. The minimum service charge per meter shall apply whether all residential, or commercial, units are occupied or unoccupied.
- C. Fees for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.
- D. Fees incurred when sections of this document are violated will be applied and levied as appropriate.

Sec. 4.0 Access to Premises

Duly authorized agents of the town shall have access at all reasonable hours to the physical dwelling or places of business where service has been established, or will be established, for the purpose of installing or removing town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection with the town's service or facilities. Application for service shall constitute consent for these purposes.

- A. If access is not provided to the town authorized agent within 60 days of the first attempt then certain additional fees may apply from the adopted rates and fees schedule.

Sec. 5.0 Meter Readings and Determination of Service Fees

Meters shall be read and bills rendered on a regular schedule. The town reserves the right to vary this schedule if necessary or desirable. This information shall be posted for public inspection during regular office hours at the office of the town clerk.

- A. When two or more meters are installed in a single physical dwelling or places of business to accommodate separate units, businesses, apartments, etc., the town shall have a method to identify which meter serves which apportioned section of the physical dwelling or place of business.

- B. Where there are multiple dwelling units or businesses on one lot or at a location, unless separate meters are installed for each apportioned section, the property owner(s) or lessor shall be responsible for the meter fees jointly used by one or more tenants or lessees.
- C. Readings from different meters will not be combined into one account for billing.
- D. Bills for water and sewer service shall be calculated in accordance with the adopted rates and fees schedule in effect at the time of billing.

Verification of meter readings may be requested at Lansing Town Hall during normal hours of operation.

- E. When a person who has signed for established service believes billing to be in error, either as a result of the town's failure to read the meter correctly or a failure of the meter to register accurately the amount of water consumed, such claim must be personally presented, in writing, to town hall and specify what the suspect error is. This shall constitute a special request for a special meter reading. A pending claim shall not prevent a bill from becoming delinquent, with all the consequences provided for herein. However, a bill may be paid under protest, and if the claim is substantiated, the customer shall be entitled to a credit or a refund for any overpayment made.

1. Where a water meter, at the location for which the bill applies, is suspected as not registering water consumption accurately, a test of the meter will occur by the town. If the meter is found to over register beyond two percent of the correct volume, no charge shall be made for special meter reading service. Otherwise, applicable fee(s) will be charged per the adopted rates and fees schedule and added in the next billing cycle for the account.
2. Where it is believed that a water meter has not been correctly read a secondary meter reading will occur. If it is verified that no error was made applicable fee(s) will be charged per the adopted rates and fees schedule and added in the next billing cycle for the account.
3. No fees shall be charged if the initial meter reading was, or if the meter was found to be functionally, in error. As necessary, corrections would be made to the account.

Sec. 6.0 Billing

- A. Bills are due within 20 days of the date of billing and become delinquent thereafter. A late penalty charge in an amount established in the adopted rates and fees schedule may be added to all delinquent accounts.
- B. Bills shall notify the responsible person for the account of the provisions of subsection (A above) and shall contain a phone number where questions concerning billing may be made and/or addressed.
- C. Where a meter seal is removed or broken and the meter fails to register water flow to a service location, and where it is not due to any action of a town representative, the associated account shall be charged the value computed using the appropriate formula from the following listing for that period of time:
 1. If the responsible person for the account has maintained the account at the same service location for at least three (3) years the fee amount shall be applied as the current rate times the average consumption at the service location over the prior two years of occupancy.

$$\mathbf{CR \times 2yrAC = \$}$$

Where:

CR = Current Rate

2yrAC = 2 year Average Consumption

2. If the responsible person for the account has maintained the account at the same service location for less than three (3) years the fee amount shall be applied as the current rate times the average amount of water consumed for the entire time of provided service.

$$\mathbf{CR \times AC = \$}$$

Where:

CR = Current Rate

AC = Average Consumption from date of establishing service

- D. If the responsible person for the account demonstrates to the reasonable satisfaction of the Town Board of Alderman that a break in the water line on the dwelling or business location side of the meter has resulted in extraordinary charges for a billing period, the town may allow the obligation to be settled by paying only the first twenty-five dollars of the bill plus one-half the remaining balance. However, this policy shall not apply if the break occurred during a period when the premise was left vacant or unoccupied for a period in excess of two weeks and where a request was not made to temporarily turn off the water at the meter to the town.

$$\mathbf{25(2/RB) = \$}$$

Where:

25 = Fixed dollar amount

2/RB = One half Remaining Balance bill balance

Sec. 7.0 Prohibited Activities

No unauthorized person may:

- A. Supply or sell water from the town system to other persons or carry away water from any hydrant, public water fountain, or other such public outlet without specific authorization from the town;
- B. Manipulate, tamper with, or harm in any manner whatsoever any waterline, sewer line, main, or appurtenance, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharges into the sanitary sewer system;
- C. Tamper with the water meter, or water meter seal, so as to establish unauthorized service to a location or alter the true reading for the amount of water consumed;
- D. Attach or cause to be attached any connection to the waterline before the water meter.
- E. Establish, reestablish, disconnect, terminate service, or similar to a location.
 1. Including, but not limited to, establishing, reestablishing, disconnecting, or termination of service by any unauthorized person. It may be deemed a violation in part, or in whole, of G.S. section 160A-175 entitled Enforcement of Ordinances. The town of Lansing may enforce the Water and Sewer Ordinance by any one, all, or a combination of the remedies authorized and prescribed by G.S. section 160A-175 as stated in subsection (f) of G.S. section 160A-175.

Sec. 8.0 Town Property and Maintenance Thereof

All meters and cut off boxes located before meters shall remain the property of the town and shall be kept in good repair and working order by the town.

Sec. 9.0 Town Responsibility and Liability

The town shall:

- A. Maintain the water and sewer lines within the town's rights-of-way and easements;
- B. Reserve the right to refuse service if there is a cross connection to a private water supply, no backflow protection, or no sewer cleanout;
- C. Assume liability for damage only if such damage results directly from the town's negligence;
- D. Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises;
- E. Assume no liability for the negligence of third persons.

Sec. 10.0 Customer Responsibilities

The person responsible for the account shall:

- A. Maintain the piping system on leased or owned property regardless of expense in a safe and efficient manner. The town of Lansing shall not undertake to repair connections to the water or sewer line until it has been determined that the disrepair, stoppage, or other cause or impediment to the proper functioning of such line exists within the portion of the lateral between the main line and the property line. If the property owner or his representative claim that the cause of such disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line and an investigation discloses that the cause of said disturbance actually exists in that portion of the line lying between the property line and the structure which is served by such line, the property owner shall pay to the town the actual cost of making such investigation. If, however, upon investigation it is found that the cause of such disturbance or disrepair is in that portion of the line lying between the property line and the main line, the town shall make such repair without additional cost to the property owner;
- B. Guarantee reasonable protection for town facilities or equipment located on the property where service is established;
- C. Pay the cost of relocating town owned facilities and equipment if removal or relocation is required by the OWNER within allowances per the laws of North Carolina;

Sec. 11.0 Termination or Interruption of Service by Town

- A. The town may terminate service for any of the following reasons:
 1. Refusal by the person(s) responsible for the service account to pay in full an account that remains delinquent in excess of fourteen days; or
 2. Prevention of fraud or abuse by a person(s) responsible for the service account; or
 3. Failure of the person(s) responsible for the service account to comply with any of the provisions of this ordinance.
- B. Before service is terminated, the person(s) responsible for the service account shall be notified of the proposed termination and given an opportunity to be heard on the matter as provided in this article.
- C. The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:
 1. Emergency repairs;
 2. Insufficient supply or treatment capacity;
 3. Strike, riot, flood, accident, act of God, or any other unavoidable cause.

- D. The town shall make a good faith effort to notify affected person(s) responsible for the service account before service is discontinued or interrupted as provided in subsection (C above). However, by making application for service, the person(s) applying for service, agree to hold the town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above mentioned causes.

Sec. 12.0 Notice of Proposed Termination of Service

- A. On the day that an account becomes delinquent (see Section 6, Billing), or as soon thereafter as possible, the town shall mail to the customer a notice informing the customer of the amount owed and stating that:
1. The account the person is responsible for is delinquent and is subject to a penalty charge of ten dollars on the unpaid balance; and
 2. The responsible person(s) for the account is entitled to be heard before service termination by a designated employee at a specified address or telephone number during stated business hours if there is any dispute over the amount of the bill; and
 3. Unless the bill is paid in full or otherwise resolved by a specified date, the town may terminate service without further notice and pursue further enforcement of the provisions of the ordinance, as well as the allowances, per G.S. section 160A-175.
- B. The service termination date stated in the notice described in subsection (a) shall be the later of the following:
1. The tenth day after the date the notice is mailed; or
 2. The fifteenth day after the account becomes delinquent
- C. If the town proposes to terminate service for any reason other than nonpayment, the town shall first mail the responsible person(s), as appropriate, a notice containing the following information:
1. That the town proposes to terminate service without further notice on a specified date, which date shall be not earlier than the tenth day after the notice is mailed; and
 2. What the reasons for the proposed termination are and what, if anything, the responsible person(s) may or must do to avoid termination of service; and
 3. That the responsible person(s), as appropriate, is entitled to be heard by a designated employee (at any time prior to termination of service) at a specified address or telephone number during stated business hours if there is any question about the accuracy or legitimacy of the reasons stated for the proposed termination.
 4. Water and sewer service physical termination shall be carried out only by authorized agents of the town

Sec. 13.0 Right of Hearing

- A. The hearing provided for in Section 12 may be held by phone or, at the request of the person(s) responsible for the service account, the person(s) responsible for the account may meet in person with the employee at the office of the employee (as specified in the notice described in Section 12).
- B. The hearing shall be conducted informally. The person(s) responsible for the account shall be given every reasonable opportunity to bring to the attention of the designated employee information that bears upon the reasons for the proposed termination.
 - a. So long as the hearing provided for, as referenced in this ordinance, is requested and held before the service termination date indicated in the notice required by Section 12, the town shall postpone the proposed termination date until three days after the written decision is served on the person(s) responsible for the account as provided in subsection (C below).
- C. As soon as reasonably possible after the hearing, the employee conducting the hearing shall inform the requesting person(s) responsible for the account in writing of the final decision and the reasons therefore. If the proposed termination relates to an unpaid account, the writing shall also inform the requesting person(s) responsible for the account that unless the account is paid in full within three days after the notice is served, the service will be terminated. This decision may be served upon the requesting person(s) responsible for the account personally or mailed by certified mail, return receipt requested.
- D. If the requesting person(s) responsible for the account fails to make a timely request for the hearing or, following a hearing, fails to comply with the decision of the town within the time specified the town may terminate service without further notice.

Sec. 14.0 Procedure for Reinstatement

- A. When service is terminated, discontinued or interrupted for any allowed reason set forth in this ordinance, it shall be unlawful for any person, other than a duly authorized agent or employee of the town, to do any act that results in the resumption of service.
 - 1. If a portion of the bill remains outstanding, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.
 - 2. Before service will be reinstated, full payment of any charges still outstanding must be paid.
 - 3. A charge for service reinstatement shall be made in an amount established by the adopted rates and fees schedule.

Sec. 15.0 Termination Upon Request by Primary Applicant

The primary applicant on the original service request shall request that service be discontinued (for a change in occupancy or other reason) at least seven days before the desired termination to become effective. Where lessor(s) terminate an agreement with lessee(s), and are they themselves the guarantor of the original request, the lessor(s) shall notify the town upon finalization of the occupancy change so that the following may occur:

- A. The lessor may be made the sole responsible person for the service account so that the physical service remains active;
- B. The account physical service may be terminated; and
- C. That full payment on outstanding balances may be made to the town by the guarantor

The primary applicant, or as allowed the guarantor, on the original service request shall be responsible for all water consumed and for pro-rated service up to the time service is terminated, or until seven days following receipt of the request for termination, whichever occurs sooner.

Sec. 16.0 Connection to the Water and Sewer System

Every person who owns improved property within the corporate limits of the town shall be required, within sixty days of receipt of notice from the town, to connect such improved property to the public water and sewer systems unless a service exception condition exists or service is not available. (as defined in subsection (B) below).

- A. For the purposed of this ordinance water service exception conditions are considered to automatically exist when:
 - 1. The improved property highest output point is, or will be, within 100' of the base elevation of the highest operating water storage vessel operated for the town as part of its continuous water supply.
 - 2. Where the town of Lansing, or it authorized agents, determine that water pressure cannot be maintained to the minimum state requirement to the improved property.
- B. For purposes of this ordinance, water or sewer service (respectively) is "not available" if:
 - 1. The building or structure to be served on the property is located more than 200 feet from an existing public water or sewer line that reasonable could serve such property;
or
 - 2. To connect to the system would require seeking the connection to purchase an easement in which to install water or sewer lines (reference G.S. 162A); or
 - 3. The Town is required by law (including state or federal statute or regulation or judicial or administrative order) to refuse service, or chooses to refuse service under Section 17.
- C. Should sewer service become available to property that previously has been served by a sewage treatment system other than the Town's treatment system, the owner of such property shall, within 60 days of receipt of the notice abandon the use of any and all structures, equipment, or

other appurtenances that were part of or used in connection with such other sewage treatment system. Removal of any and all above ground structures, equipment, or other appurtenances that were part of or used in connection with such other sewage treatment system shall be required.

- D. No person may connect or be connected to the water or sewer system of the town until a permit for such a connection has been issued. After connection service may be initiated in accordance with the procedures set forth in this ordinance.
- E. Laterals, or supply lines to a service location, up to and including the meter remain town property. This includes but is not limited to all meters, meter boxes, pipes and other equipment furnished and used by the town or its contractors in installing any water or sewer connections.
 - 1. Application, or request, for connection to the water or sewer system shall be made on the forms furnished by the town and shall be signed by the applicant as the person(s) applying for service and when required the guarantor (property owner(s) for the purpose of ensuring all balances are paid in full to the town of Lansing for water and sewer services regardless of occupancy agreements between lessor(s) and lessee(s) where the town holds no sway. The application shall contain or be accompanied by any information reasonably deemed necessary by the town authorized administrator.
 - 2. Every application for connection to the town's water system shall be accompanied by the tap-on and service connection fees prescribed in the adopted rate and fees schedule.
 - 3. No permit shall be issued for water and sewer connections until after the town authorized administrator has made any on-the-premises inspection of the real property identified on the application, if the town authorized administrator deems such inspection necessary, and until the fees prescribed herein have been paid.

Sec. 17.0 Rejection of Permit Application

Upon application for a connection permit the town may reject the application and decline to provide service, in addition to conditions stated in section 16.0 subsection A and B of this ordinance, for the following reasons:

- A. Service is not available under the standard rate.
- B. The cost of service is excessive.
- C. The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities.
- D. Other when reasonable concerns supported by review, investigation, or when professional input is provided to not be in favor of issuance of a permit.

Sec. 18.0 Construction of Connections

- A. Water and sewer connections shall be constructed simultaneously whenever connections are to be made to both systems.
- B. When a permit has been issued by the town for a connection to existing water or sewer lines, the town, either with the use of town forces or by contract, shall do the excavating, lay the pipe, install a meter, make the connections (tap-on) to the main, fill the excavation, and replace the surface of the street.
- C. A property owner may request that the water meter be placed at a certain location at the physical location; however the final decision for meter placement lies with the town.
- D. When the meter is placed on the property:
 - 1. The town shall provide a cut-off valve directly before the meter.
 - 2. The location for placing the meter shall be, unobstructed and where accessibility is reasonably possible to the meter read. As necessary the town may provide notice to any person who restricts the ability to read a meter, no matter the method used, so that it becomes unobstructed and or accessible. The town may take reasonable action to remove obstructions at the obstruction owner may be held responsible to reimburse the town for the cost.
- E. Regarding properties not owned by the town. Piping and other related apparatus shall be installed by a licensed plumber at no expense to the town in accordance with all applicable building and plumbing codes and the town's regulations and in full compliance with the sanitary regulations of the State Commission for Health Services.
- F. There shall be for every lot to which water and sewer service is available:
 - 1. A separate connection with the water main of the town and a separate service pipe, tap and meter; and
 - 2. A separate connection with the sewer main of the town.
- G. Where there are multiple buildings or structures situated on one lot and where the lot owner desires to have a common water connection (including a private water distribution system), and a common sewer connection (including a private sewage collection system), he must meet the following requirements:
 - 1. The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot.
 - 2. The owner or an agent of the owner shall be required to submit to the town a site plan showing the proposed water and sewer systems. Such plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. Such plans shall include:
 - (i) Size of water lines, materials to be used for construction, valve locations and hydrant locations. All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

(ii) Size of sewers and materials to be used for construction. All sewer lines shall be constructed in accordance with town specifications and standards. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

3. Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

Sec. 19.0 Town Inspection: Multi-Unit Building Developments on Single Lot

- A. By making application for permit the customer agrees that the town possesses the right to inspect the private water distribution systems, water connections, sewage collection system and sewer connections before they are connected to the town water and sewer systems. The town shall be given notice to inspect before the pipes are covered and the systems are connected.
- B. Regarding maintenance of private distribution and collection systems and in addition to the requirements of Section 18. All owners of lots on which private water distribution and sewer collection systems are situated shall maintain such systems properly. When a lot owner does not respond to emergency situations such as a lack of water or sewer service which poses an immediate threat to public health, or where maintenance of such systems is not adequate to ensure full compliance with the sanitary regulations of the State Commission for Health Services, the town may summarily abate the issue and bill the lot owner for costs incurred by the town or lieu of payment the town may open discussion regarding the town assuming ownership of the private distribution and collection systems.

Sec. 20.0 Definitions

- A. improved property: means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.
- B. lot: means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

Adopted on this 24 day of July, 2018, Lansing, North Carolina:

TOWN OF LANSING

By: 

Dylan Lightfoot, Mayor

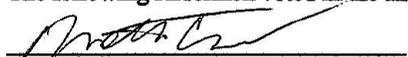
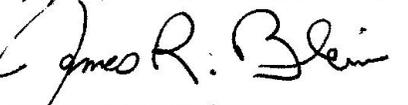
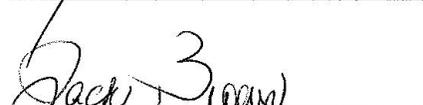
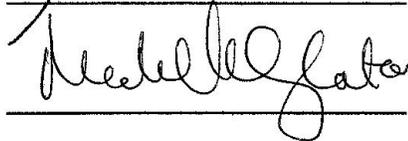
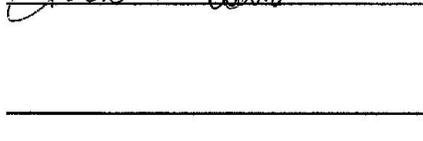
Attest:



Marcy B. Little, Town Clerk

After discussion, the foregoing ordinance was adopted on the day and year above stated.

The following Aldermen voted in the affirmative:

The following Aldermen voted in the negative:

_____	_____
_____	_____