

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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GENERAL PROVISIONS

' 50.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts but excluding sewage and human wastes.

REFUSE. All nonputrescible wastes.

SOLID WASTE. Garbage, refuse, rubbish, trash and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant

pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

TREE TRIMMINGS. Tree limbs, leaves, shrubbery, weeds, plants or grass.
(1993 Code, ' 41.01)

' 50.02 APPROVED CONTAINERS.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.
(1993 Code, ' 41.02) Penalty, see ' 10.99

' 50.03 BURNING OR BURYING GARBAGE.

(A) It shall be unlawful to burn or set fire to any garbage for the purpose of disposal.

(B) In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.
(1993 Code, ' 41.03) Penalty, see ' 10.99

Editor=s note:

Extensive state regulations in effect with respect to the open burning of trash and refuse, see Department of Environmental Management; Regulations Governing the Control of Air Pollution

' 50.04 ACCUMULATION OF GARBAGE AND REFUSE PROHIBITED.

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.
(1993 Code, ' 41.04) Penalty, see ' 10.99

' 50.05 CONTAINERS REQUIRED.

The town has contract with solid waste company that provides containers.

' 50.06 PRE-COLLECTION PRACTICES.

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold.
(1993 Code, ' 41.06)

' 50.07 COLLECTION SCHEDULE.

Garbage and refuse will be collected by the town according to a collection schedule maintained in the Clerk's office. The schedule may be periodically revised and amended by action of the Board.
(1993 Code, ' 41.07)

' 50.08 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace or to otherwise interfere with garbage containers or their contents except the owner or on permission or at the request of the owner.
(1993 Code, ' 41.08) Penalty, see ' 10.99

' 50.09 SPECIAL OR BULK COLLECTIONS REGULATED.

(A) Tree limbs not more than four feet in length, or more than three inches in diameter with the butt ends facing the street, stacked in a neat pile and placed next to the street, will be collected according to a collection schedule maintained in the Clerk's office. There is a one pile per pick up limit and the pile can be no larger than six feet long, five feet wide and three feet high.

(B) Light refuse (leaves, twigs, pine needles and the like) must be securely contained in plastic bags and will be collected at the curbside according to a schedule maintained in the Clerk's office. Bags must weigh less than 50 pounds each, with a 20-bag limit per pick up. No refuse may be burned as a substitute of using curbside service.

(C) No commercially cut limbs or debris will be accepted.

(D) No collection shall be made from vacant lots nor shall any waste building materials or lot clearing be collected from houses or other structures under construction or recently completed. No large rocks, tree trunks, tree stumps, tree limbs of more than four feet in length and three inches in diameter, upholstered furniture, mattresses, white goods, carpet or carpet pads, other heavy objects, or any building material scraps be collected by the town; except with the discretionary authority of the Town Manager or his/her designee.

(E) Commercial establishments that generate in excess of three 95-gallon containers of trash are required to contract with a private firm for a dumpster and collection.

(1993 Code, ' 41.09) (Updated 12-8-2016; amended 3-14-2019).

SOLID WASTE COLLECTION FEE

' 50.20 PURPOSE AND INTENT.

The purpose and intent of this subchapter is to establish unit charges to recover a portion of the expenditures associated with solid waste collection and to establish a fee structure that is fair and equitable to all citizens.
(1993 Code, ' 41.15) (Ord. 143, passed 6-3-1991)

' 50.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURBSIDE PICK-UP. The placing of solid waste in bags or containers no greater than 32-gallon capacity for pick-up along the street right-of-way.

DUMPSTER CONTAINER. A large metal container that requires special handling by garbage truck (either front or rear loading).

INDIVIDUAL BUSINESS UNIT. Any structure that qualifies for curbside pick-up.

INDIVIDUAL RESIDENTIAL UNIT. A single-family dwelling, mobile home or apartment unit. (1993 Code, ' 41.16) (Ord. 143, passed 6-3-1991)

' 50.22 RATES.

(A) All individual residential units and business units, including churches, that qualify for curbside pick-up will be charged a solid waste collection fee of \$12.50 per month.

(B) The solid waste collection fee will be itemized and included on the water bill and will have the same billing cycle, due date and collection procedures. (1993 Code, ' 41.17) (Ord. 143, passed 6-3-1991)

' 50.23 PARTIAL PAYMENTS OF BILLS; ALLOCATION.

(A) Pursuant to G.S. ' 160A-314(b), the town is authorized to specify the order in which partial payments of bills are to be applied among the various services covered by a bill for the services.

(B) The town does hereby specify that partial payments of bills for multiple services be applied among the various services in the following sequence:

- (1) Past due amounts for trash collection;
- (2) Past due amounts for sewer;
- (3) Past due amounts for water;
- (4) Other amounts for trash collection;
- (5) Other amounts for sewer; and
- (6) Other amounts for water.

(1993 Code, ' 41.25) (Ord. 148, passed 3-2-1992)

CHAPTER 51: WATER SYSTEM

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- 51.01 Service contracts
- 51.02 Supervision by Town Manager
- 51.03 Director of Public Utilities; duties
- 51.04 Water connections required; separate connections
- 51.05 Connections to be made under supervision
- 51.06 Applications for connections
- 51.07 Connection charges
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- 51.09 Water meters
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- 51.11 Unauthorized use of water
- 51.12 Leaks
- 51.13 Water for use of consumers only
- 51.14 Water for building purposes
- 51.15 Injury to property and fixtures
- 51.16 Tampering with meters
- 51.17 Continuity of service
- 51.18 Water rates and charges
- 51.19 Water deposits
- 51.20 Meter reading; billing; collecting
- 51.21 Suspension of service

Statutory reference:

*Acquisition and operation of utilities
as public enterprises,
see G.S. " 160A-311 et seq.*

' 51.01 SERVICE CONTRACTS.

All pertinent provisions of this chapter shall govern the terms and conditions of the contracts under which the town furnishes water service to any person, or whereby the town makes any water connections or performs any work of any kind in connection with the furnishing of water service.
(1993 Code, ' 50.01)

' 51.02 SUPERVISION BY TOWN MANAGER.

(A) The water system shall be under the supervision of the Town Manager.

(B) The duty of enforcing full compliance with all rules and regulations governing all connections with the mains shall be vested in the Director of Public Utilities.

(1993 Code, ' 50.02)

Cross-reference:

Appointment of town officers, see ' 31.05

**' 51.03 DIRECTOR OF PUBLIC UTILITIES;
DUTIES.**

The Director of Public Utilities shall perform the following duties:

(A) He or she shall have general supervision over all the operations of the water system;

(B) He or she shall see that all rules and regulations of the town are enforced; and

(C) He or she shall see that water rates and assessments are correctly made.

(1993 Code, ' 50.03)

**' 51.04 WATER CONNECTIONS REQUIRED;
SEPARATE CONNECTIONS.**

All owners of improved property located within the corporate limits and on or within a distance of 200 feet of any town water line shall connect their premises with the town water system. Nothing in this section shall prohibit the continued use of water from private wells for any purpose other than domestic use. There shall be no cross-connection of the town water system with any private well or any other source of water supply.

(1993 Code, ' 50.04)

**' 51.05 CONNECTIONS TO BE MADE UNDER
SUPERVISION.**

The construction of laterals for water connections, and the necessary excavation therefor, shall be done by the town, or, if done by a licensed plumber, it shall be done under the supervision of the town.

(1993 Code, ' 50.05)

' 51.06 APPLICATIONS FOR CONNECTIONS.

Every application for a water connection shall be made on a form provided by the town, shall be signed by the applicant, shall be accompanied by the proper fee for making the connections, and shall be filed with the Director of Public Utilities.

(1993 Code, ' 50.06)

' 51.07 CONNECTION CHARGES.

Charges for connection to the town water system will be as established by the Board.

(1993 Code, ' 50.07)

' 51.08 RIGHT OF ENTRY.

(A) Whenever it becomes necessary to enter any premises, store or dwelling, for the purpose of inspecting water pipes, fixtures or meters, town employees may do so during reasonable hours.

(B) Should the employee be refused admittance, the supply of water shall be cut off until the examination is made and the required information is obtained, or until repairs and alterations are made.
(1993 Code, ' 50.08)

' 51.09 WATER METERS.

(A) Any water meters furnished by the town shall remain the property of the town.

(B) At the request of any consumer, the town will test the accuracy of a water meter alleged to be recording improperly. If the meter is found to be inaccurate, the consumer's water bill may be adjusted accordingly. If the meter is found to be accurate, the consumer will be charged a fee of \$25.
(1993 Code, ' 50.09)

' 51.10 CONNECTIONS OUTSIDE OF TOWN.

Authorization of moratorium on requirement that out of town properties be voluntarily annexed in order to receive town water service.
(1993 Code, ' 50.10)

' 51.11 UNAUTHORIZED USE OF WATER.

Only authorized town employees may connect or reconnect water service. If water is found to be in use without being turned on by an authorized town employee, or if water is used for any other purpose than that paid for, the consumer of the water shall be guilty of a violation of this chapter.
(1993 Code, ' 50.11)

' 51.12 LEAKS.

If a break occurs, or a defect is found in any pipe or fixture, causing or permitting a leakage or waste of water, it shall be the duty of the owner of the premises or the consumer to have the break or defect repaired.
(1993 Code, ' 50.12)

' 51.13 WATER FOR USE OF CONSUMERS ONLY.

It shall be unlawful for any consumer to permit any person, except the members of his or her family or employees living on the premises as a part of the household, or visitors in the home to remove water from the premises for any purpose except in case of fire or other emergency. Any person unlawfully receiving or using water shall be guilty of a misdemeanor, and if it is shown that the unlawful use has been made with the knowledge and consent of the consumer, the consumer shall be deemed equally guilty.
(1993 Code, ' 50.13) Penalty, see ' 10.99

' 51.14 WATER FOR BUILDING PURPOSES.

Any person desiring water for building purposes shall make application to the town for a permit. He or she shall state the time when the work will be completed, and shall pay in advance for the water at the regular rates. At the completion of the work, the estimate will be revised and any additional amount will be collected, or surplus refunded, as the case may be. This section shall apply where the consumption of water is not rated by a meter.
(1993 Code, ' 50.14)

' 51.15 INJURY TO PROPERTY AND FIXTURES.

It shall be unlawful for any person to injure, deface or destroy the building, machinery, fences, trees or other property of the town water system, or in any way to contaminate the town water supply.
(1993 Code, ' 50.15)

' 51.16 TAMPERING WITH METERS.

It shall be unlawful for any person, after the water has been turned off for failure to pay the water bill, to turn the water on at the meter or to bypass the meter or in any manner to obtain water at no cost.
(1993 Code, ' 50.16)

' 51.17 CONTINUITY OF SERVICE.

The town will not be liable for any damages that may result to consumers from the shutting off of water service for any cause whatever, even in cases where no motive is given, and no deduction from bills will be made in consequence thereof.
(1993 Code, ' 50.17)

' 51.18 WATER RATES AND CHARGES.

The rates and charges for water service shall be as established by the Board and shall be due and payable monthly. A copy of the current rates and charges shall be kept on file at all times in the office of the Clerk.
(1993 Code, ' 50.18)

' 51.19 WATER DEPOSITS.

Each consumer applying for water service to a residence owned by him or her shall make a cash deposit as established by the Board.
(1993 Code, ' 50.19)

' 51.20 METER READING; BILLING; COLLECTING.

(A) Meters will be read and bills rendered monthly, but the town may vary dates or length of period covered, temporarily or permanently, if necessary or desirable.

(B) Bills for water will be figured in accordance with the rate schedule then in effect, and will be based on the amount consumed for the period covered by the meter readings, but the amount payable for each billing period shall not be less than the minimum charge prescribed in the schedule of rates.

(C) Charges for service commence when the meter is installed and connection is made, whether used or not.

(D) Bills are due when rendered and become delinquent on the twenty-fifth. A \$20 late charge will be added on the twenty-sixth. Those having questions concerning amounts due may visit the town office or call the Town Clerk at 948-2431 between 9:00 a.m. and 5:00 p.m. weekdays. Otherwise, unless the total amount due plus the late charge is paid by 5:00 p.m. on the eighth of the following month, service will be discontinued by the town without further notice. Reconnection will only be made during regular business hours.

(E) Failure to receive bills mailed or notices shall not prevent the bills from becoming delinquent nor relieve the consumer from payment.

(F) It shall be unlawful for anyone to turn on water after it has been cut off by the Water Superintendent. (1993 Code, ' 50.20) (Ord. 25, passed - -) Penalty, see ' 10.99

' 51.21 SUSPENSION OF SERVICE.

(A) When water service is discontinued and all bills are paid, including penalties, the deposit will be refunded.

(B) On discontinuance of service for nonpayment of bills, the deposit will be applied toward settlement of the account. Any balance will be refunded to the consumer, but if the deposit is not sufficient to cover the amount due and payable, the town may proceed to collect the balance in any way provided by law for the collection of debts.

(C) Service discontinued for nonpayment of bills will be restored only after all bills, including penalties, are paid in full and redeposit made.

(D) The town reserves the right to discontinue water service without notice for any one or more of the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Consumer=s willful disregard of the town=s rules and regulations;
- (3) Emergency repairs;
- (4) Insufficiency of supply due to circumstances beyond the town=s control;
- (5) Legal process;
- (6) Direction of public authorities; or

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(7) Strike, riot, fire, flood, accident or any unavoidable cause.

(E) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(1993 Code, ' 50.21)

CHAPTER 52: SEWER SYSTEM

Section

52.01	Sewer service
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52.05	Connections to be made under supervision
52.06	Applications for connections
52.07	Connection charges
52.08	Right of entry
52.09	Connections outside of town
52.10	Discharge into sewers
52.11	Injury to sewers prohibited
52.12	Certain drains not to be connected
52.13	Drains from garages; service stations
52.14	Sewer service charges
52.15	Fats, oil and grease regulations
52.99	Penalty

' 52.01 SEWER SERVICE.

This chapter shall govern the terms and conditions under which the town furnishes sewer service to any person, or whereby the town makes any sewer connections or performs any work of any kind in connection with the furnishing of sewer service.

(1993 Code, ' 51.01)

' 52.02 SUPERVISION BY TOWN MANAGER.

(A) The sewer system shall be under the supervision of the Town Manager.

(B) The duty of enforcing full compliance with all rules and regulations governing all connections with the mains shall be vested in the Director of Public Utilities.

(1993 Code, ' 51.02)

Cross-reference:

Appointment of town officers, see ' 31.05

' 52.03 DIRECTOR OF PUBLIC UTILITIES;

DUTIES.

The Director of Public Utilities shall perform the following duties:

(A) He or she shall have general supervision over all the operations of the sewage system;

(B) He or she shall see that all rules and regulations of the town are enforced; and

(C) He or she shall see that sewer rates and assessments are correctly made.

(1993 Code, ' 51.03)

' 52.04 SEWER CONNECTIONS REQUIRED.

All owners of improved property located within the corporate limits and on or within a distance of 200 feet of any sewer line owned and operated by the town shall connect their premises with the town sewer system.

(1993 Code, ' 51.04)

' 52.05 CONNECTIONS TO BE MADE UNDER SUPERVISION.

All connections, reconnections or other construction, and the necessary excavation therefor, shall be done by the town, or a licensed plumber under the supervision of the town.

(1993 Code, ' 51.05)

' 52.06 APPLICATIONS FOR CONNECTIONS.

Every application for a sewer connection shall be made on a form prescribed by the town and shall be signed by the applicant, shall be accompanied by the proper fee for making the connections and shall be filed with the town.

(1993 Code, ' 51.06)

' 52.07 CONNECTION CHARGES.

Charges for connection of sewer service pipe and tapping of main will be as established by the Board.

(1993 Code, ' 51.07)

' 52.08 RIGHT OF ENTRY.

(A) Whenever it becomes necessary to enter any premises, store or dwelling, for the purpose of inspecting sewer pipes or fixtures, any authorized town employee may do so during reasonable hours.

(B) Should the town employee be refused admittance, the supply of water shall be cut off until the examination is made and required information is obtained, or until repairs and alterations are made.

(1993 Code, ' 51.08)

' 52.09 CONNECTIONS OUTSIDE OF TOWN.

No connection of any sewer line or system outside of the town shall be made to any part of the town sewer system without special permission from the Board on terms as the Board shall prescribe.
(1993 Code, ' 51.09) Penalty, see ' 10.99

' 52.10 DISCHARGE INTO SEWERS.

No person shall put, throw or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole, nor shall any person discharge into any sanitary or storm sewer any substance likely to obstruct or to cause injury to the same.
(1993 Code, ' 51.10) Penalty, see ' 10.99

' 52.11 INJURY TO SEWERS PROHIBITED.

No person shall obstruct, break, remove or otherwise injure any portion of any manhole, flush tank or other part of any public sanitary or storm sewer.
(1993 Code, ' 51.11) Penalty, see ' 10.99

' 52.12 CERTAIN DRAINS NOT TO BE CONNECTED.

No gutter drains from roofs, surface drains and drains from swimming pools, privately owned reservoirs, and other places where water is collected or stored shall be connected with, nor discharged into the domestic sewer lines of the town.
(1993 Code, ' 51.12) Penalty, see ' 10.99

' 52.13 DRAINS FROM GARAGES; SERVICE STATIONS.

No drains from garages, automobile service stations or other places which discharge any oil or grease shall be discharged into the sewer system.
(1993 Code, ' 51.13) Penalty, see ' 10.99

' 52.14 SEWER SERVICE CHARGES.

(A) The charges for sewer service shall be as established by the Board, and shall be billed and collected in the same manner as charges for water service.

(B) A copy of the current charges shall be kept on file at all times in the office of the Clerk.
(1993 Code, ' 51.14)

' 52.15 FATS, OIL AND GREASE REGULATIONS.

(A) *Scope and purpose.* This section is adopted to aid in the prevention of sanitary sewer blockages and obstructions from the contribution and accumulation of fats, oils and greases into the sewer system from industrial, commercial and institutional establishments, particularly food preparation and serving facilities.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COOKING ESTABLISHMENTS. Those establishments primarily engaged in activities of preparing, serving or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting or poaching. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces hot, non-drinkable food product in or on a receptacle that requires washing.

FATS, OILS AND GREASES. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures in 40 C.F.R. part 136, as may be amended from time to time. All are sometimes referred to herein as ***GREASE*** or ***GREASES***.

GREASE TRAP OR INTERCEPTOR. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. ***GREASE TRAPS AND INTERCEPTORS*** are sometimes referred to herein as ***GREASE INTERCEPTORS***.

MINIMUM DESIGN CAPACITY. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

NON-COOKING ESTABLISHMENTS. Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.

USER. Any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution of discharge of wastewater into the publicly owned treatment works (POTW), including persons who contribute the wastewater from mobile sources, such as those who discharge hauled wastewater.

(C) *General provisions.*

(1) (a) Grease interceptors shall be installed by users as required by the Public Works Director be installed at the user=s expense, when the user operates a cooking establishment. Grease interceptors may also be required In non-cooking or cold dairy and frozen food establishments and other industrial commercial, or institutional establishments when they are deemed necessary by the Public Works Director for the proper handling of liquid wastes containing grease.

(b) No user shall allow wastewater to discharge from any grease interceptor in a concentration that

exceeds 250 milligrams per liter.

(c) All grease interceptors shall be of a type, design and capacity approved by the Public Works Director or his or her designee and shall be readily and easily accessible for user cleaning and town inspection. No grease interceptor shall be less than 1,000 gallons total capacity unless otherwise approved by the Public Works Director.

(d) All grease interceptors shall be subject to review, evaluation and inspection by the Public Works Director or his or her designee during normal working hours. Results of inspections will be made available to facility owner, leaseholder or operator.

(e) All the grease interceptors shall be serviced and emptied of accumulated waste contents as required in order to maintain minimum design capacity or effective volume of the grease interceptor, but not less than every 30 days. Waste removed from grease interceptors shall not be discharged into the town=s sanitary sewer system. The user shall be responsible for the disposal of the waste.

(f) The user shall maintain a written service record of the grease interceptor maintenance for three years. The user shall provide to the Public Works Director written reports of the maintenance on a quarterly basis.

(g) No non-grease laden sources shall be connected to sewer lines intended for grease interceptor service.

(h) Access manholes, with a minimum diameter of 24 inches, shall be installed over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow and infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.

(2) Existing facilities:

(a) All existing cooking establishments shall have grease interceptors approved by the Public Works Director or his or her designee. Cooking establishments without grease interceptors will be given a compliance deadline not to exceed six months from the date of the ratification of this section;

(b) Failure to comply will be considered a violation of this section and the facilities may be subject to penalties and corrective actions. Existing facilities shall meet the same requirements for design as new facilities; and

(c) In the event an existing cooking establishment=s grease interceptor is either under designed or substandard in accordance with this policy, the owner(s) will be notified in writing through certified mail of the deficiencies and required improvements, and given a compliance deadline not to exceed six months to conform to the requirements of this section. The facilities may be subject to penalties and corrective actions.

(Ord. 210, passed 6-10-2010)

' 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to ' 10.99.

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(B) (1) Any user found to be in violation of ' 52.15 shall be notified in writing through certified mail of any noncompliance, and will be required to provide a schedule whereby corrections will be completed. Users known to be in violation shall be subject to fines of \$500 per day until actions are taken to prevent the violations from recurring.

(2) Users whose operations cause or allow excessive grease to discharge or accumulate in the town wastewater collection and treatment system may be liable for costs incurred by the town, including, but not limited to: service calls for sewer line blockages, line cleaning, line and pump repairs, including all labor, materials and equipment. Failure to pay all service-related charges may also be grounds for fines and/or sewer service discontinuance.

(Ord. 210, passed 6-10-2010)

CHAPTER 53: PROTECTION OF WATER SUPPLY

Section

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' 53.01 INTENT, PURPOSE AND CONTROL.

(A) It is the intent of this chapter to eliminate the potential hazards to the potable water within the town and its water supply systems. It is also the intent to apply the principle that the degree of protection should be commensurate with the degree of hazard.

(B) The purpose of this chapter is:

(1) To protect the public potable water supply of the town against actual or potential cross-connections, backflow and back-siphonage by isolating and containing, within the premises or private property, contamination or pollution that has occurred or may occur because of some undiscovered or unauthorized cross-connection on the premises or private property;

(2) To eliminate cross-connections, backflow and back-siphonage or any other source of water or process water used for any purpose whatsoever which may jeopardize the safety of the public potable water supply of the town; and

(3) To establish a cross-connection, backflow and back-siphonage control program.

(C) Cross-connections, backflow and back-siphonage control require co-operation between the town and the consumer. The responsibilities and duties of each shall be as set forth in this chapter and other applicable regulations. This chapter will comply with the Federal Safe Drinking Water Act (Pub. L. 93-523), the State Administrative Code (Title 10, Chapter 10, Subchapter 10-D, Subparagraph .1006), the State Building Code (Volume II) and all other state and federal regulations as they pertain to cross-connections with the public water supply.

(D) The effective date of this chapter shall be June 9, 2005.
(Ord. 180, passed 6-9-2005)

' 53.02 RESPONSIBILITY.

(A) The Director, Department of Utilities, is primary responsible for the prevention of contamination and pollution of the public water supply and includes all of the public water distribution system, and ends at the point designated under the SDWA. In addition, the Director shall exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. When it is determined that a backflow protection device is required for the prevention of contamination of the public system of the town, the Director shall notify, or cause to be notified, in writing the owner of any building or premises, to correct, within a time set by this chapter, any plumbing installed or existing that is in violation of this chapter.

(B) The consumer has the prime responsibility of preventing contaminants and pollutants from entering his or her potable water system or the public water system. The consumer, at his or her own expense, shall install, operate and maintain an approved backflow prevention device at the service connection as directed by the Director, or his or her designated agent.

(C) Enforcement of this chapter shall be administered by the Director, or his or her designated agent.
(Ord. 180, passed 6-9-2005)

' 53.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR-GAP SEPARATION. An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air-gap vertical separation shall be at least double the diameter of the supply pipe. In no case shall the **AIR GAP** be less than one inch.

APPROVED. Certified in writing by the Director as an acceptable device or methodology for the purpose of backflow prevention.

BACKFLOW. Any flow of water into the public water supply from any other source due to a cross-connection, auxiliary intake, interconnection, back pressure, back-siphonage, any combination thereof or other cause.

BACK PRESSURE. Any pressure on any source of water other than the public water supply which may be greater than the pressure on the public water supply and may result in a backflow.

BACKFLOW PREVENTION ASSEMBLY. An approved effective device or method used to prevent backflow from occurring in the potable water supply. The type of assembly required shall be based on degree of hazard, existing or potential.

BACK-SIPHONAGE. Any circumstance in which the pressure on the public water supply may be reduced to the point that the elevation and atmospheric pressure on a source of water other than the public water supply may result in a pressure to be greater than the pressure on the public water supply and may result in a back flow.

CERTIFIED TESTER. A person who has proven his or her competency to test, repair, overhaul and make reports on backflow prevention devices as evidenced by certification of successful completion of a training program approved by the Director.

CONSUMER. Any person, firm or corporation responsible for any property at which water from the town public water supply is received. In the absence of other parties or the failure of other parties to accept the responsibilities herein set forth, the owner of record shall be ultimately responsible.

CONTAMINATION. The presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of water.

CONTAINMENT. Preventing the impairment of the potable water supply by installing an approved backflow prevention device at the service connection.

CROSS-CONNECTION. Any physical connection between a potable water supply system and any other piping system, sewer fixture, container or device, whereby water or other liquids, mixtures or substances may flow into or enter the potable water supply system.

DEGREE OF HAZARD. The evaluation of the potential hazard (see definition of **HAZARD**) as defined in state.

DIRECTOR. The owner or official custodian of a public water system.

DOUBLE-CHECK VALVE DEVICE. A device composed of two single, independently acting, approved check valves, including tightly closing shutoff valves located at each end of the device and suitable connections for testing the water tightness of each check valve.

HIGH HAZARD. An actual or potential threat of contamination or pollution of a physical or toxic nature to the public potable water system or the consumer=s potable water system to a degree or intensity that there would be a danger to health.

ISOLATION. The act of confining a localized hazard within a plumbing or distribution system by installing approved backflow prevention devices.

MODERATE HAZARD. An actual or potential threat to the physical properties of the public or the consumer=s potable water system, or of a contamination which would have a protracted effect on the quality of the potable water system.

POTABLE WATER. Water from any source which has been investigated by the Health Department and which has been approved for human consumption.

REDUCED PRESSURE ZONE (RPZ) DEVICE. A device containing within its structure a minimum of two independently acting, approved check valves, together with an automatically operating pressure relief valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off located at each end of the device and each device shall be fitted with properly located test cocks.

SERVICE CONNECTIONS. The terminal end of a service connection from the public potable water system, i.e., where the Director loses jurisdiction and sanitary control over the water at its point of delivery to the consumer=s water.

WATER SUPPLY (APPROVED).

(1) Any public potable water supply which has been investigated and approved by the State Department of Human Resources. The system must be operating under a valid health permit.

(2) In determining what constitutes an **APPROVED WATER SUPPLY**, the Division of Health Services has reserved the final judgment as to its safety and potability.

WATER SUPPLY (UNAPPROVED). A water supply which has not been approved for human consumption by the State Department of Human Resources.

VACUUM BREAKER (ATMOSPHERIC TYPE). A device used to prevent back-siphonage which is designed so as not to be subjected to static line pressure.

VACUUM BREAKER (PRESSURE TYPE). A device suitable for continuous pressure to be used to provide protection against back-siphonage.
(Ord. 180, passed 6-9-2005)

**' 53.04 ELIMINATION OF
CROSS-CONNECTIONS; HAZARDOUS
FACILITIES AND METHODS
OF CORRECTION.**

(A) A high hazardous facility includes, but is not limited to a bottling plant, cannery, building having five or more stories, battery manufacturer, exterminator, greenhouse, chemical processing plant, dairy, dye works, film laboratory, car wash, hospital, commercial laboratory, laundry, metal fabricating operation, mortuary, swimming pool, morgue, x-ray equipment, medical office with laboratory, aspirator, medical washing equipment, packing house, plating plant, poultry house, power plant, nuclear reactor, pumped fire sprinkler or riser system or those equipped with facilities for introduction of freeze preventive chemicals or other substances other than water.

(1) High hazardous uses include, but are not limited to: pumps and tanks handling sewage, radioactive, lethal or toxic substances, boiler and steam connections, sewer waste lines, low inlets to receptacles containing toxic substances, coils or jackets used as heat exchangers, flush valve toilets without vacuum breaks, bacterial and viral materials, private wells or other private water supply, water systems or hose connections, with booster pumps, carbonation equipment or similar hazard potential as determined by the Director.

(2) All high hazardous facilities must have a containment device in the form of a reduced pressure zone backflow prevention device. The consumer is responsible for installing sufficient internal isolation devices.

(B) All industrial and commercial facilities not identified as "high hazard" will be considered moderate hazard facilities. All moderate hazard facilities must have a double check valve device as a minimum containment device.

(C) The Director may, if in his or her judgement an imminent health hazard exists, cause the water service to the building or premises to be terminated unless an air gap is provided.

(D) It is recommended that a dual check valve be installed at the service connections to single-family residential units.

(E) All new construction plans and specifications shall be made available to the Director for approval, and to determine the degree of hazard.

(F) The Director shall be notified by the customer when the nature of the use of property changes so as to change the hazard classification of the property if necessary.
(Ord. 180, passed 6-9-2005)

' 53.05 RIGHT OF ENTRY.

(A) The Director or an authorized agent shall have the right to enter any building, structure or premises during normal business hours to perform any duty imposed upon him or her by this chapter. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Refusal to allow entry for these purposes will result in discontinuance of water service.

(B) On request, the consumer shall furnish to the Director any pertinent information regarding the piping system on the property where cross-connections are deemed possible.
(Ord. 180, passed 6-9-2005)

' 53.06 INSTALLATION OF DEVICES.

(A) All backflow prevention devices will be installed in accordance with the manufacturer=s installation instructions and those furnished by the Director. Ownership, testing and maintenance of the device will be the responsibility of the consumer. All reduced pressure backflow device assemblies must be installed in drainable pits wherever below ground installation is necessary. The installer is responsible to make sure a device is working properly when it is installed, and to make available all installation and testing information for approval by the Director.

(B) When it is not possible to interrupt water service, provisions shall be made for a Aparallel installation@ of backflow prevention devices. The Director will not accept an unprotected bypass around a backflow preventer when the device is in need of testing, repair or replacement.

(C) The consumer shall, upon notification, install the appropriate containment device not to exceed the following time frame:

(1) High hazard: 60 days; and

(2) Moderate hazard: 90 days.

(Ord. 180, passed 6-9-2005)

' 53.07 INSPECTION, TESTING AND REPAIR OF DEVICES.

(A) The frequency of inspections and re-inspections shall be set by the Director, and shall be made by a certified tester who has been approved to conduct inspections. Inspections shall be made of properties served by

the public water supply where cross-connections with the public water supply are deemed possible.

(B) Testing of backflow prevention devices shall be made by a certified tester at the customer=s expense.

(1) The tests are to be conducted upon installation and annually thereafter and a record of all testing and repairs is to be retained by the consumer.

(2) Copies of records must be provided to the Director within 30 days after the completion of any testing or repair work.

(C) Any time that repairs to backflow devices are deemed necessary, whether through annual testing or routine inspections by the owner or by the Director, these repairs must be completed within a specified time in accordance with the degree of hazard.

(Ord. 180, passed 6-9-2005)

' 53.08 FIRE PROTECTION SYSTEMS.

(A) All connections for fire sprinkler systems connected with the public water system shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle device at the main.

(B) Dead ends, such as fire hydrants, piped in excess of 50 feet from a potable source, must be protected from backflow with a minimum approved double check valve assembly installed within 50 feet from potable connection.

(Ord. 180, passed 6-9-2005)

' 53.09 IRRIGATION/SPRINKLER SYSTEMS.

All lawn sprinkler systems shall be equipped with a reduced pressure zone backflow prevention device as required by the State Division of Health Services.

(Ord. 180, passed 6-9-2005)

' 53.10 CHEMICAL HOLDING TANKS.

No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from a public water system except at a location equipped with an over-the-rim free discharge of water or an approved reduced pressure backflow preventer properly installed on the public water supply. No supplier of water shall permit the filling of the special use containers except at locations so equipped.

(Ord. 180, passed 6-9-2005) Penalty, see ' 10.99

' 53.11 UNAPPROVED SOURCES OF SUPPLY.

(A) No person shall connect or cause to be connected any supply of water not approved by the state to the water system supplies by the Director. Any like connections allowed by the Director must be in conformance with Title 10, Chapter 10, Subchapter 10-D, Subparagraph .1006.

(B) In the event of contamination of a potable water system, the consumer shall notify the Director

immediately in order that appropriate measures may be taken to overcome the contamination.
(Ord. 180, passed 6-9-2005)

' 53.12 OTHER CONNECTIONS.

All other connections to the public water supply of the town shall have backflow prevention as specified by the Director. This shall include water mains installed but not maintained by the town, including but not limited to mobile home parks, apartments, group housing projects and other private distribution systems, or similar hazard potential as determined by the Director or his or her authorized representative.
(Ord. 180, passed 6-9-2005)

' 53.13 VIOLATIONS AND ENFORCEMENT.

(A) The Director shall notify the consumer or authorized agent of the consumer of the building or premises in which there is found a violation of this chapter, or the violation. On failure of the consumer to have the defect corrected by the end of the specified time interval, the Director may, if in his or her judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated, and/or recommend additional fines or penalties to be invoked as herein may be provided.

(B) The Director will use the actual cost of enforcement action as the minimum amount of fines or penalties levied against a violator of this chapter.

(C) Request for extension of time and all other appeals shall be made in writing to the Director.
(Ord. 180, passed 6-9-2005)

CHAPTER 54: WATER SHORTAGE RESPONSE PLAN

Section

54.01	Purpose; authorization
54.02	Notification
54.03	Levels of response
54.04	Triggers
54.05	Enforcement
54.99	Penalty

' 54.01 PURPOSE; AUTHORIZATION.

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

(B) The Town Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in ' 54.04 below are met in his or her absence, the Water System Director will assume this role. (Res. passed 6-10-2010)

' 54.02 NOTIFICATION.

(A) The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee email announcements, notices at municipal buildings, notices in water bills.

(B) Required water shortage response measures will be communicated through PSA announcements on local radio and cable stations, and the town website (www.townofrobbins.com).

(C) Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911. (Res. passed 6-10-2010)

' 54.03 LEVELS OF RESPONSE.

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

(B) The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g.,

residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to town's Emergency Response Plan. Drought surcharges increase to five times the normal water rate.

(Res. passed 6-10-2010)

' 54.04 TRIGGERS.

(A) *Generally.* The town is provided water solely by purchase from Montgomery County. When the Montgomery County declares a water shortage, the town is required to do so as well. During this time, the Town Water System Director will stay in close contact with Montgomery County and follow its triggers.

(B) *Return to normal.*

(1) When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation.

(2) Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

(Res. passed 6-10-2010)

' 54.05 ENFORCEMENT.

(A) The provisions of the water shortage response plan will be enforced by Town Public Works Department and police personnel.

(B) Violators may be reported to the town=s dedicated water conservation hotline. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

(Res. passed 6-10-2010)

' 54.99 PENALTY.

<i>Water Shortage Level</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third Violation</i>
Voluntary reductions	N/A	N/A	N/A
Mandatory reductions (Stages 2 and 3)	Warning	\$250	Discontinuation of service
Emergency reductions	\$250	Discontinuation of service	Discontinuation of service
Water rationing	\$500	Discontinuation of service	Discontinuation of service
Drought surcharge rates are effective in Stages 3, 4 and 5			

(Res. passed 6-10-2010)