

**AN ORDINANCE TO AMEND ARTICLE III. CITY WATER AND SEWERAGE SYSTEMS OF CHAPTER 74 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN**

THAT WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect certain revisions to Article III. "City Water and Sewerage Systems" of Chapter 74 "Utilities" of the Code of Ordinances of the City of New Bern as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Article III. "City Water and Sewerage Systems" of Chapter 74 "Utilities" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 74-71 in its entirety and inserting in its stead the following:

**"Sec. 74-71. Maintenance of water meters.**

- (a) All water meters, except such as are required to be furnished by particular users of water, shall be kept in good repair and working order by the city at the expense of the city. Water meters furnished by particular users of water shall be kept in good repair and working order by the city, but the expense thereof shall be borne by such users.
- (b) Notwithstanding the above, submeters installed in a master metered facility shall be maintained by the owner of the facility."

SECTION 2. That Article III. "City Water and Sewerage Systems" of Chapter 74 "Utilities" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 74-72 in its entirety and inserting in its stead the following:

**"Sec. 74-72. - Unlawful use of city water.**

- (a) It shall be unlawful for any consumer to supply or sell water from the city water system to other persons, nor shall any person take or carry away water from any hydrant, water fountain or other such outlet without specific permission from the city.
- (b) Notwithstanding the above, the owner of a master metered facility may install a submeter in each building or unit owned and operated by it, for the purpose of collecting a proportionate share of the water and sewer charges billed by the city to the owner of the facility. The rates charged to the tenants by the owner shall be set by the North Carolina Utilities Commission (NCUC) as outlined in Chapter 18 of the NCUC Rules. Copies of the rates and any subsequent rate increases shall be supplied to the city engineer within 30 days of approval by the NCUC.

The owner/manager of the master metered facility may not discontinue/disconnect the water or sewer service of any tenant for nonpayment of the water and sewer portion of the tenant's rental charges. If permitted by state law, the owner would retain the right of eviction for nonpayment of water and sewer charges.

The entity which has contracted with the city to provide water and sewer service shall still be responsible for payment of the amount billed through the master meter, regardless of the provisions of this section.”

SECTION 3. That Article III. “City Water and Sewerage Systems” of Chapter 74 “Utilities” of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 74-93 in its entirety and inserting in its stead the following:

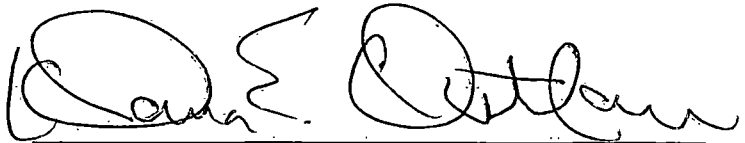
**“Sec. 74-93. – Separate connections required; exception.**

- (a) Except as herein otherwise provided, there shall be a separate tap and connection with the water pipe of the city, and a separate service pipe, tap and meter for each house or structure, and no service connection shall be used to supply water to more than one house, structure or building.
- (b) At the request of the property owner, a master water meter for a facility will be permitted to serve more than one unit or building of the following categories:
  - (1) Apartment Complexes.
  - (2) Motels, hotels.
  - (3) Hospitals.
  - (4) Warehouses, industrial buildings (under one ownership and engaged in one business only).
  - (5) Schools.
  - (6) Shopping centers.
  - (7) Religious facilities.
  - (8) Homes for the ill or aged, including rest and convalescent homes.
  - (9) Accessory dwelling units such as garage apartments and non-dwelling units wherein the lot on which the primary residence and the accessory unit are situated cannot reasonably be further subdivided.
- (c) A master water meter, will be permitted to serve the above category of buildings meeting the following minimum requirements:


- (1) The building to be served shall be in compliance with local building code and development ordinances.
- (2) The building permit and plat shall show a single owner and shall indicate the building or complex of buildings to be constructed on a single lot.
- (3) Should a building or unit within a master metered facility be subdivided and conveyed to a new owner, the city shall require a separate water connection and meter from the subdivided unit or building to the city water main in the street or city owned utility easement.”

SECTION 4. Any ordinances or resolutions in conflict with this ordinance are hereby repealed. This Ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 24<sup>th</sup> DAY OF MARCH, 2020.

A handwritten signature in black ink, appearing to read "Dana E. Outlaw", written over a horizontal line.

DANA E. OUTLAW, MAYOR

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written over a horizontal line.

BRENDA E. BLANCO, CITY CLERK