

ORDINANCE # O-05-20

**AN ORDINANCE AMENDING CHAPTER 58 – UTILITIES
OF THE TOWN OF WAYNESVILLE CODE OF ORDINANCES**

WHEREAS, the Town of Waynesville has the authority, pursuant to Chapter 160A-3 of the North Carolina General Statutes, to execute, adopt, and clarify regulations for the Town of Waynesville, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the amendment to section 58.33 was approved on its first reading at the March 24, 2020 meeting in direct response to the Governor and Attorney General's recommendations related to disconnections as a result of the COVID-19 (Coronavirus) outbreak and the need to Stay Home and Stay Safe orders;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE THAT THE CODE OF ORDINANCES OF THE TOWN OF WAYNESVILLE (THE CODE) IS HEREBY AMENDED AS FOLLOWS:


Addition of Section 58-33 – item (d)

(d) The Board of Aldermen acknowledges that while under a Declaration of a State of Emergency that adjustments to this disconnect policy may be required. When such conditions are present, the Board of Aldermen may adopt measures to suspend disconnections. These actions shall be conducted in open session and any suspension or change to fees shall not exceed a period of sixty (60) days. All actions will be recorded via resolution and included in the permanent records of the Town of Waynesville.

The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Waynesville and is authorized to renumber said amendments in order to maintain consistency within said Code.

Adopted this 24th day of March, 2020.

Town of Waynesville


Mayor J. Gary Caldwell

ATTEST:


Eddie Ward, Town Clerk

Chapter 58 - UTILITIES¹¹

Footnotes:

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Cross reference— Any ordinance or resolution levying water charges or setting water regulations saved from repeal, § 1-11(16); administration, ch. 2; buildings and building regulations, ch. 10; businesses, ch. 14; environment, ch. 26; floods, ch. 34; housing, ch. 38; solid waste and weed management, ch. 44; streets, sidewalks and other public places, ch. 46; subdivisions, ch. 50.

State Law reference— Municipal authority to operate public enterprises, G.S. 160A-312.

ARTICLE I. - IN GENERAL

Secs. 58-1—58-30. - Reserved.

ARTICLE II. - ELECTRIC SERVICE

Sec. 58-31. - Policy.

The board of aldermen declares that it is in the public interest that the town fairly and indiscriminately administer a reasonable policy with regard to the termination of electric service by written regulation. The regulations established in this article shall be applied in an equitable and nondiscriminatory manner to all customers for electric service throughout the service area of the town, without any different application in any part of the town.

(Code 1987, § 51.01)

Sec. 58-32. - Due date; notice of delinquency.

- (a) All bills for electric and water service are due and payable within ten days from the bill date.
- (b) A utility bill shall be considered delinquent if it is not paid within 25 days after the date the bill date. A delinquent notice is sent on the 26th day after the bill date, adding a one percent penalty to the account. This notice gives an additional ten days to pay before utilities are disconnected. The cutoff date which appears on the disconnect notice gives the customer until 5:00 p.m. on this date.

(Code 1987, § 51.02)

Sec. 58-33. - Discontinuance of service.

- (a) The town shall have the right to discontinue utility service to its customers for the following reasons:
 - (1) Failure of a customer to pay any bill for utility service within the time allowed by section 58-32.
 - (2) Failure of a customer to make a deposit to guarantee payment of charges for utility service, or to increase his deposit when required to do so by this article or other town ordinances.
 - (3) Refusal of legitimate access to premises or damage to or loss of town property on the customer's premises for which the customer is liable.
- (b) If payment for utility service is not received by the date specified in the delinquent notice delivered to the customer pursuant to section 58-32(b), the customer's utility service shall be terminated until such time the delinquent account is paid and the other costs required in this article are received by the town.

- (c) When it becomes necessary for the town to discontinue utility service to a customer for any of the reasons stated in subsections (a) or (b) of this section, service will be reinstated only after all bills for service have been paid in full, any deposit required has been made, and the current reconnection fee has been paid to reimburse the town for expenses involved in disconnecting and reconnecting the utility service.
- (d) The Board of Aldermen acknowledges that while under a Declaration of a State of Emergency that adjustments to this disconnect policy may be required. When such conditions are present, the Board of Aldermen may adopt measures to suspend disconnections or waive associated fees. These actions shall be conducted in open session and any suspension or change to fees shall not exceed a period of sixty (60) days. All actions will be recorded via resolution and included in the permanent records of the Town of Waynesville.

(Code 1987, § 51.03)

Sec. 58-34. - Meter testing.

If an electric customer feels there is a problem with his electric meter, he may request the town to conduct an electric meter test. If the test indicates that the electric meter is malfunctioning, there shall be no charge for the test and the meter shall be repaired by the town. If the test reveals that the meter is accurate, the electric customer shall be charged for the test at the current rate.

(Code 1987, § 51.04)

Secs. 58-35—58-65. - Reserved.

ARTICLE III. - BACKFLOW AND CROSS CONNECTION CONTROL

DIVISION 1. - GENERALLY

Sec. 58-66. - Purpose.

The purpose of this chapter is to:

- (1) Protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the customer's private distribution system such contaminants or pollutants which, under adverse conditions, could backflow into the public water systems;
- (2) Promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water systems, and non-potable water systems, plumbing fixtures and industrial piping systems; and
- (3) Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. No. 1-94, § 1.1, 1-11-1994)