



THE TOWN OF

Holly Springs

Ordinance Number: 09-22

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AN ORDINANCE OF THE HOLLY SPRINGS TOWN COUNCIL AMENDING CHAPTER 16, OF THE HOLLY SPRINGS TOWN CODE TO ADD ARTICLE IV, RECLAIMED WATER REGULATION*

BE IT ORDAINED by the Holly Springs Town Council that Chapter 16, Article IV, Divisions 1, 2, 3, 4, 5, and 6, of the Holly Springs Town Code of Ordinances is added in its entirety as follows:

PART 1:

That Chapter 16, Article IV, Divisions 1, 2, 3, 4, 5 and 6 of the Holly Springs Town Code be amended by the adding the following new sections as provided herein:

ARTICLE IV. RECLAIMED WATER REGULATION*	1
DIVISION 1. GENERAL PROVISIONS	2
Sec. 16-350. Purpose And Intent	2
Sec. 16-351. Definitions	3
Sec. 16-352. Adoption Of Governing Authorities.....	5
Sec. 16-353. Authority to adopt rules and regulations.....	6
Sec. 16-354. Administrative Programs	6
Sec. 16-355. Authority to adopt rates, fees and charges	6
Sec. 16-356. Conditions of reclaimed water service use.....	6
Sec. 16-357. Right to refuse service	Error! Bookmark not defined.
Sec. 16-358. Duty To Report Damage	7
Sec. 16-359. Emergency Discontinuation Of Service And Repairs	7
Sec. 16-360. Enforcement Procedure	8
Sec. 16-361. to Sec. 16-319 reserved.....	9
Division 2 - Usage	9
Sec. 16-320. Reclaimed Water User Permit.....	9
Sec. 16-321. Mandatory Uses Of Reclaimed Water	9
Sec. 16-322. Allowable Uses Of Reclaimed Water	10
Sec. 16-323. Prohibited Uses Of Reclaimed Water	11
Sec. 16-324. Buffers And Runoff	11

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Sec. 16-325.	Termination Of Service For Misuse.....	11
Sec. 16-326.	To Sec 16-329 Reserved	11
Division 3 – Shortages, Conservation, Restrictions.....		12
Sec. 16-330.	Conservation Of Water Resources	12
Sec. 16-331.	Suspension Or Interruption Of Reclaimed Service	12
Sec. 16-332.	To Sec. 16-339 Reserved	12
Division 4 – Connections.....		12
Sec. 16-340.	Reclaimed water service application requirements	12
Sec. 16-341.	Connecting With Reclaimed Water Pipes	13
Sec. 16-342.	Replacement Of Reclaimed Water Service Stubs.....	13
Sec. 16-343.	Responsibility For Making Connections	13
Sec. 16-344.	Meter Requirements; Placement Of Meters	13
Sec. 16-345.	Notification	14
Sec. 16-346.	Maintenance by customer	14
Sec. 16-347.	Access To And Obstructions Of Manholes And Easements	14
Sec. 16-348.	Injury To Systems; Removing, Damaging, Breaking, Etc.....	14
Sec. 16-349.	to Sec. 16-354 Reserved	15
DIVISION 5. PUBLIC EXTENSIONS OF RECLAIMED WATER SYSTEM		15
Sec. 16-355.	Ownership by Town	15
Sec. 16-356.	to Secs. 16-364 Reserved.....	15
DIVISION 6. CROSS CONNECTIONS.....		15
Sec. 16-365.	Cross-Connections.....	15
Sec. 16-366.	Labeling And Color-Coding	15
Sec. 16-367.	Hose Bibbs Spigots Or Other Hand Operated Connections	15
Sec. 16-368.	Storage Containers And Tank Trucks	16
Sec. 16-369.	To Sec. 16-399. Reserved	16

DIVISION 1. GENERAL PROVISIONS

Sec. 16-301. Purpose And Intent

This article sets forth the requirements for the Reclaimed Water System for the Town of Holly Springs, hereafter referred to as the Town. The Reclaimed Water System provides an alternative water source for non-potable water demands. It is the Town's policy to provide reclaimed water to meet non-potable water demands.

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

It is the Town's purpose and intent to establish a reclaimed water system and to extend such system to certain areas of the Town where the Town Council determines that the extension of reclaimed water is practical and economical. The reclaimed water distribution system will be constructed in sections and phases to provide reclaimed water service to designated areas as determined by the Town Council and pursuant to the terms and conditions set forth herein. Such areas are as shown on the attached Reclaimed Water Distribution Service Area Map.

The objectives of this article are:

1. To reduce potable water demand.
2. To reduce wastewater discharges into Utley Creek.
3. To help meet nitrogen reduction goals for the Cape Fear River basin.

This article shall apply to existing and prospective users of the Town's Reclaimed Water Distribution System.

Sec. 16-302. Definitions

As used in this article, the following terms shall have the meanings provided in this section unless the context clearly indicates otherwise.

Approval authority should be Director of Public Utilities or Director of Engineering.

Authorized representative of the reclaimed water user:

- (A) If user is a corporation, authorized representative shall mean the president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (B) If the user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.
- (C) If the user is a federal, state or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (D) The entities described in subdivisions (A) through (B) above may designate another authorized representative. If the authorization is in writing, the authorization shall specify the individual or position responsible for the overall operation of the facility or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Town.

Available shall mean that a reclaimed water distribution main is or will be located at a property line of a property on which an irrigation system is installed or proposed, or a property proposed to be serviced with reclaimed water.

Cross-connection shall mean any unprotected actual or potential physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a

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flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement. This includes any unauthorized taps, whether or not adequate protection is provided.

Consumer shall mean any person, firm, or corporation responsible for any property at which reclaimed water from the Town's public reclaimed water system is received. In the absence of other parties or the failure of other parties to accept the responsibilities consumer shall mean the actual user of the reclaimed water.

Dedicator shall mean and include the person owning or constructing any private utility system being dedicated to the Town.

Department shall mean the Holly Springs Department Public Utilities or Engineering.

Director means the Director Public Utilities or Engineering of the Town and his or her designee.

Irrigation system means a system of devices to provide for the application of water typically to any outdoor planted material by means of a permanent piping system under pressure and that is manually, semi-automatically or automatically operated.

Major reclaimed water line shall mean those reclaimed water lines which are twelve (12) inches in diameter or greater.

NCDENR- DWQ-LAU shall mean North Carolina Department of Environmental and Natural Resources – Division of Water Quality – Land Application Unit.

NCAC Section 15A NCAC 02T.0900 shall mean the North Carolina Administrative Code, Section 15A, subchapter 02T, section .0900, as currently written and as may be rewritten from time to time.

Permit means written permission granted by the Town of Holly Springs or the NCDENR-DWQ-LAU to install and/or utilize reclaimed water lines and/or systems.

Potable water shall mean water provided by the Town of Holly Springs via the Town's Water Distribution System for public consumption that meets the state's potable drinking water standards, or water provided by a private source for consumption (drinking, cooking, bathing, etc.) by the applicant.

Reclaimed distribution main shall mean those conduits used to supply reclaimed water to service lines from transmission mains.

Reclaimed water or **Reuse water** shall mean water provided by the Town of Holly Springs via the Town's Reclaimed Water Distribution System that has been treated to and meets the State's reclaimed water standards, then is allowed for certain non-potable (e.g. non-drinking, non-cooking, non-bathing, etc.) uses such as irrigation.

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Reclaimed water service stubs shall mean those portions of reclaimed water service pipes that connect from the Town's reclaimed water mains to the boundaries of public easements and/or rights-of-way.

Reclaimed Water Service Area shall mean area of Town as defined on the Town's Reclaimed Water Service Area Map attached to this policy statement.

Reclaimed Water Distribution System shall mean all equipment, piping, valves, storage tanks, and associated hardware and other appurtenances, including meters, from the customer's reclaimed water meter back to, and including the reclaimed water production facility.

Service Line shall mean that conduit for reclaimed water from the reclaimed water distribution main to the property line.

Standard or Town Standard shall mean the "Town of Holly Springs Engineering Design and Construction Standard" for design and construction of Town facilities.

Tap size shall mean the nominal diameter of the connection of the reclaimed water service line installed between a reclaimed water meter assembly and the reclaimed water main connected to the reclaimed water distribution utility system of Holly Springs.

Transmission Mains means those utility lines used to supply reclaimed water from the Town's pumping stations or treatment facilities to the Town reclaimed water distribution system.

Utility system or utility lines shall mean and include reclaimed water pipe lines, water pipe lines, and sewer pipe lines (any or all as determined by the context), and shall include all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the reclaimed water, potable water, or sewer pipe lines and systems or all, and all appliances necessary and convenient thereto. The utility lines dedicated to the Town shall include only main transmission or distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public streets, roads, highways and alleys or across Town utility or sanitary sewer easements on private property, and shall not include lines leading from mains to building connections on private property and shall not include the reclaimed water, potable water, or sewer lines within any residences or other privately owned building. Utility lines built in accordance with Town Standards are part of the Town's utility system.

Waters of the State shall mean any stream, river, brook, swamp, lake, sound tidal estuary, bay, creek, reservoir, waterway or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the State of North Carolina.

Sec. 16-303. Adoption Of Governing Authorities

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Rules and regulations relating to waste not discharged to surface waters appearing in **North Carolina Administrative Code Title 15A NCAC 2H Section 0.200 and 02T Section .0900** (herein after “Administrative Codes” and the **Town of Holly Springs Reclaimed Water Generation and Distribution Permit** (hereinafter “Provider Permit”), as may be amended by the issuing agency from time to time, are hereby adopted by reference and incorporated into the Town Code as though fully set forth within this article and shall apply within the Town of Holly Springs as an ordinance.

In the event of any variation between the provisions of the applicable Administrative Codes and/or the Provider Permit, and/or the provisions of this article, the more strict provision shall prevail. A violation of a provision of Administrative Codes or Provider Permit shall be deemed a violation of this section.

Sec. 16-304. Authority to adopt rules and regulations

The Town Council may by resolution establish reasonable rules and regulations concerning the reclaimed water system and the use of reclaimed water. Additional standard policies and procedures may be adopted concerning the reclaimed water system. Insofar as there is not conflict with the provisions of this article or governing rules, Town policies and procedures pertaining to potable water service shall apply.

Sec. 16-305. Administrative Programs

The Director shall have the authority to implement administrative programs that may be required to adhere to federal or state law, adhere to the conditions of any permits from federal or state agencies, or provide efficient operation of the reclaimed system. Such programs may include, but are not limited to, an application program to approve new users, a connection inspection program, follow-up inspection program, compliance and enforcement program, spill prevention, control, and notification program, and educational program to advise the public of the proper and safe use of reclaimed water.

Sec. 16-306. Authority to adopt rates, fees and charges

The Town Council may establish rates, fees and charges for the reclaimed water system and provide terms and conditions for the payment and collection of same. After the initial establishment of a reclaimed water rate, and fee or charge for connection to the reclaimed water system, these rates, fees and charges will normally be reviewed and adjusted annually as part of the annual budgeting cycle, as provided in Chapter 16, Articles I, II, and III.

Any person connecting, installing or using the reclaimed water system shall pay all required permits, fees, and charges as required by laws, ordinances, and resolutions.

Sec. 16-307. Conditions of reclaimed water service use

(a) General. The Town may terminate, discontinue, or suspend reclaimed water service in accordance with this chapter and Town policies and procedures in the event of (i) a violation of

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*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

this article or Town regulations, policies or procedures, (ii) failure to pay bills by the due date, (iii) tampering with any utility service, (iv) the existence of a plumbing cross-connections with another water source, or (v) any customer condition or action that may be detrimental to the Town's potable water system, its reclaimed water system, or its wastewater collection and treatment system. The Town may, at its option, suspend service until the condition is corrected and all costs due the Town are paid. These costs may include delinquent billings, connection charges, and payment for any damages caused to the potable water, reclaimed water, or wastewater collection or water distribution system. The details of the Town's procedures for discontinuing service are found in this chapter and in appropriate Town policies and finance department procedures.

(b) Right of entry. In addition to the authority to enter property contained in section 16-135 the director may enter any premises to determine the presence of any cross connections or other potential hazards to the Town potable water system. Each customer of reclaimed water service shall, by completing the reclaimed water application, give written consent to such entry upon the customer's premises.

Sec. 16-308.

The Town makes no guarantees that reclaimed water service will be provided, or, once provided, continued. The Town may, at any time, and from time to time, refuse to extend or suspend or terminate service on the basis of a use detrimental to the system, an inadequate supply of reclaimed water, the failure to pay required fees, or for any other reason which, in the judgment of the Director, will cause the extension not to be to the benefit of the Town.

Sec. 16-309. Duty To Report Damage

Every person who observes damage to any part of the reclaimed water system, public or private, has a duty to report the damage to the Public Utilities Department, and every permit holder whose reclaimed system is damaged shall take immediate actions to stop or as best practical mitigate the flow of the reclaimed water.

Sec. 16-310. Emergency Discontinuation Of Service And Repairs

The responsibility for maintaining and repairing reclaimed water service stubs in the public right of way or easement shall be by the Town's. The repair of all pipes and fixtures on private property shall be the responsibility of the property owner or consumer. When a minor failure occurs in a pipe or fixture on private property, and such failure is not corrected within twelve (12) hours of notification by the Director to the owner or person in charge, the Town, for the purpose of conserving reclaimed water and protecting the public, may discontinue service until the failure is corrected or enter the property and make the necessary repairs. When a major failure occurs in a line or fixture and creates the possibility of an immediate danger to the public health or safety, the Town may make the necessary repairs. The work done by the Town shall be limited to the necessary line repair and such backfilling as needed to protect the pipe. The cost of any repairs performed by the Town shall be charged to the property owner.

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and included in his next regular periodic reclaimed water bill. Failure to pay the repair bill shall be considered as a regular reclaimed water bill delinquency and service may be discontinued until such amount is paid.

Sec. 16-311. Enforcement Procedure

(a) Civil penalties.

Any person who violates any of the provisions of this article, other than Section 16-309 (“duty to Report Damage”), or any regulation, standard, rule, or order duly adopted in furtherance of this article, or who continues any alteration extension or construction of the utility system or part thereof without first obtaining a permit or written permission or who undertakes or continues any alteration, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements, and provisions of an approved application, plan or both shall be subject to a civil penalty of up to one thousand, five hundred dollars (\$1,500.00) per day.

The person alleged to be in violation shall be given notice of the civil penalty by registered mail, certified mail return receipt requested, or personal service. The notice shall set forth in detail a description of the violation for which the penalty has been invoked. For continuous violations, a second notice shall be sent ten (10) calendar days after the original notice. If payment is not received or equitable settlement reached after twenty (20) days after demand for payment is first made, the matter shall be referred to the town attorney for institution of a civil action in the name of the Town in the appropriate division of the General Court of Justice of Wake County for recovery of the penalty.

(b) Criminal penalties.

Any person who knowingly or willfully or negligently violates any of the provisions of this article, other than Section 16-309 (“duty to Report Damage”), or any standard, regulation, rule or order duly adopted in furtherance of this article, or who undertakes or continues any alteration, extension or construction of the utility system or part thereof without first obtaining a permit or written permission or who undertakes or continues any alteration, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both shall be guilty of a misdemeanor punishable by imprisonment to the maximum number of days prescribed by law.

(c) Injunctive relief.

Whenever the Town Council has reasonable cause to believe that any person is violating or threatening to violate any of the provisions of this article or any standards, regulation, rule or order duly adopted in furtherance of this article, or is undertaking or continuing any alteration, extension and construction of the utility system without first obtaining a permit or written permission, or is undertaking or continuing any alterations, extension, or construction of the utility system or part thereof, except in

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conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both, the Town may, either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the Town for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this Code.

The terms "undertakes" or "undertaking" as used in §8-2198 herein means the initiating of or continuing of or being financially responsible for any activity or phase of activity which results in the extension, construction, or alteration of any part of the utility system of the Town.

State law reference: Criminal offenses, G.S. 14-4; G.S. 143-215.6(b).

Sec. 16-312. to Sec. 16-319 reserved

Division 2 - Usage

Sec. 16-320. Reclaimed Water User Permit

Reclaimed water cannot be utilized by any customer without a Reclaimed Water Permit issued by the Town and/or State.

- (1) All reclaimed water users shall obtain a User Permit prior to the commencement of reclaimed water use.
- (2) Users shall make application for initial installation, use, change of use and change of property ownership.
- (3) All applicants for reclaimed water, at the applicant's own cost and expense, shall apply for, obtain and meet all requirements of all necessary permits, licenses, conditions, and approvals for the initial construction and the operation of the onsite reclaimed water facilities and the use of reclaimed water.
- (4) It shall be unlawful for any person to connect to or use reclaimed water without first obtaining a reclaimed water user permit.

Sec. 16-321. Mandatory Uses Of Reclaimed Water

(a) When reclaimed water systems are extended, the Director shall notify all adjacent water customers that reclaimed water will be available to a particular property or site ("notification of availability").

- (1) All new irrigation systems located within the Town's service area desiring to obtain water service for such system from the Town after the effective date of this article must connect to the reclaimed water system, if reclaimed water is available to the property. Such connection must be made prior to, or contemporaneously with connection of other improvements on the property to the Town's potable water system.

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

(2) If reclaimed water is not available to a property at the time of construction of an irrigation system, connection to the reclaimed water system will be optional. Any existing irrigation system using potable water which begins using reclaimed water must first be modified or re-permitted shall be designed and constructed to utilize reclaimed water.

(3) Customers who have existing and active irrigation accounts and have paid irrigation meter fees (tap, capacity, etc) and who apply to switch to reclaimed water will not be required to pay similar reclaimed water fees.

(4) Customers desiring to or required to utilize reclaimed water must apply in accordance with the application procedures specified in this article. At the Director's determination a reclaimed water permit may be issued and Customer shall disconnect from the potable water system and connect to the reclaimed water system within the terms of said permit.

(b) The Director shall have the authority to grant exemptions from this section in the event of reclaimed water shortages or for other good cause.

Sec. 16-322. Allowable Uses Of Reclaimed Water

Reclaimed water shall only be applied for approved uses. Where a use is not specifically indicated as being pre-approved, the Director shall make a determination if the proposed use is acceptable. The Director may add to or delete from the approved list based on Regulatory Revisions.

The following uses, unless otherwise prohibited, may be approved:

- (1) Landscape irrigation.
- (2) Agricultural irrigation for crops not intended for human consumption.
- (3) Decorative ponds and fountains.
- (4) Dust control.
- (5) Soil compaction.
- (6) Vehicle and equipment washing if the reclaimed water is either recaptured or is applied without a spray.
- (7) Street sweeping (vacuum-type cleaners only) not washing.
- (8) Cooling tower and boiler makeup water.
- (9) Any uses that are deemed permitted under the North Carolina Administrative Code regulating the use of reclaimed or reuse water.
- (10) Industrial Process Water
- (11) Power Washing (non-Commercial)
- (12) Concrete production/mixing

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

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Sec. 16-323. Prohibited Uses Of Reclaimed Water

It shall be unlawful for reclaimed water to be used in the following applications:

- (1) Human consumption.
- (2) Irrigation of direct food chain crops
- (3) Swimming pools, hot tubs, spas, or similar uses.
- (4) Direct reclaimed as raw potable water supply.
- (5) Any uses that are specifically prohibited under the North Carolina Administrative Code regulating the use of reclaimed or reuse water.

Sec. 16-324. Buffers And Runoff

(a) Irrigation systems using reclaimed water shall be designed to keep all spray on the user's property. The Director shall enforce buffers from the edge of the spray influence to the following features as set forth in the Administrative Code:

- (1) Surface waters including intermittent streams, perennial streams, perennial water bodies and wetlands.
- (2) Any well, except monitoring wells.
- (3) Reclaimed water storage/irrigation ponds and property lines.

(b) Irrigation and other systems using reclaimed water shall not generate runoff that flows into the natural waterways or into the buffer areas. Runoff shall not enter a storm sewer or drainage ditch that connects to waters of the State.

(c) Any and all new or replacement reclaimed water supply systems within flood-prone areas shall be designed and constructed to minimize and eliminate discharges from such systems into floodwaters.

Sec. 16-325. Termination Of Service For Misuse

If any person violates any provisions of this article or any regulation, standard, rule or order duly adopted in furtherance of this article, the Town may terminate potable water, sewer, and/or reclaimed water service to that property. Within thirty (30) days following the termination of reclaimed water service, the reclaimed water permit holder may in writing appeal the termination to the Director, who within fifteen (15) days of receipt of the appeal shall conduct a hearing. If service is terminated, the customer shall bear the full responsibility of any costs or liabilities for reconnecting to the utilities. The Town shall be indemnified by the violator or in the discretion of the Town the permit user from all claims, damages, losses, or expenses, including federal and state civil penalties imposed upon the Town, caused by the failure to meet the requirements of the governing regulatory agencies concerning the use and operation of reclaimed water or from the termination of reclaimed water service.

Sec. 16-326. To Sec 16-329 Reserved

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*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Division 3 – Shortages, Conservation, Restrictions

Sec. 16-330. Conservation Of Water Resources

- (a) Reclaimed water is recognized as a water resource. However, the beneficial use of reclaimed water is intended to reduce demands on the potable water supply and restrictions upon reclaimed water usage will in most cases be less stringent than those imposed upon potable water users.
- (b) It is the policy of the Town to wisely use natural resources. In addition to all other conservation measures contained in this chapter (Specifically Chapter 16, Article II Water, Division 2) the Town may terminate, suspend or discontinue reclaimed water service if customer usage of reclaimed water varies substantially from the overall loading rates outlined in the customer's application for service.
- (c) Reclaimed water supply and availability is directly related to the volume of wastewater and treatment thereof. The Town may, upon just cause and protection of public health, place temporary and special limitations upon reclaimed water users due to conditions, upsets, or other acts with interfere with the production or transmission of reclaimed water.

Sec. 16-331. Suspension Or Interruption Of Reclaimed Service

The Town may suspend or terminate reclaimed water service at any time the reclaimed water at the terminal point of the Town's Water Reclamation Facilities does not meet the requirements of the governing regulatory agencies. In such a case, reclaimed water service may be restored when the Town determines that permit user(s) will comply with all the governing requirements.

Within thirty (30) days following the suspension of reclaimed water service, the reclaimed water permit holder may in writing appeal the suspension to the Director, who within fifteen (15) days of receipt of the appeal shall conduct a hearing. When reclaimed water is not available, the Town may substitute potable water on a temporary basis at the discretion of the Town. An approved air gap separation must be used in any connection for temporary potable water.

The Town reserves the right to temporarily discontinue service to any portion or all of the reclaimed water system as deemed necessary by the Director. In addition, the Director shall have the authority to establish schedules which restrict the use of reclaimed water at certain times in order to reduce demands on the system and to regulate usage during periods of limited reclaimed water availability. This authority is in addition to the water conservation provisions of Article II – Water, of this chapter, and the disclaimer of liability contained in Sections 16-36 and 16-37.

Sec. 16-332. To Sec. 16-339 Reserved

Division 4 – Connections

Sec. 16-340. Reclaimed water service application requirements

- (a) Applications for reclaimed water service shall be made and will be accepted in the same manner as applications for water and sewer service, subject to the provisions of this article.

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(b) In addition, the Town Finance Department and the Building Code Enforcement Department have specific procedures and policies in place for servicing, regulating, billing, and collecting of bills of utility customers.

(c) Such policies, along with all policies and procedures concerning enforcement and fining and setting standards for the design and installation utility pipelines and other appurtenances shall apply to the reclaimed water system, including its design, installation, and maintenance.

Sec. 16-341. Connecting With Reclaimed Water Pipes

(a) It shall be unlawful for any person to connect any pipe or take by any means reclaimed water from or interfere with the pipes of the reclaimed water system of the Town without authorization from the Director. In reviewing requests, the Director shall consider the appropriateness of the size, location, character, and quality of all materials and connections.

(b) It shall be unlawful for any person, except Town forces as directed by the Director, to operate any valve in the reclaimed water distribution system of the Town.

Sec. 16-342. Replacement Of Reclaimed Water Service Stubs

In the event of the paving or widening of streets, or the raising or lowering of the grade of a street, or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new reclaimed water lines initiated by the public, all reclaimed water service stubs may be replaced so as to meet the standards prescribed by the Town plumbing code.

There shall be no charge for such replacements.

Sec. 16-343. Responsibility For Making Connections

All reclaimed water services shall be installed, extended, replaced or repaired by Town forces from the Town's main to the property line unless otherwise permitted by the Director; provided, no such permission shall be granted for work within the corporate limits in public street rights-of-way except by licensed utility contractors. All reclaimed water connections in new developments shall be the responsibility of the developer and at his expense in accordance with Town Standards and specifications.

Sec. 16-344. Meter Requirements; Placement Of Meters

A separate reclaimed water meter connection is required for each lot at the time of connection with reclaimed water service.

Metering of all reclaimed water usage is mandatory. There shall be no exceptions to this requirement.

All such meters shall be placed in the street right-of-way or in a two-foot easement adjacent to the street right-of-way at such locations as the Director shall determine, provided that nothing herein shall authorize the placement of a water meter on the opposite side of the street right-of-way from the building being served. Reclaimed water meters shall be placed within five feet of the potable water meter serving the property. All meters shall conform to the

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standards and material specifications of the Town. All reclaimed water meters shall be installed by Town forces in accordance with the Town's fee schedule.

Sec. 16-345. Notification

(a) For areas accessible to the public, notification shall be provided to inform the public of the use of reclaimed water and that reclaimed water is not intended for drinking. Signs will be provided indicating "RECLAIMED WATER: DO NOT DRINK."

(b) In industrial and commercial systems, notification shall be provided to inform employees that reclaimed water is being used and that it is not intended for drinking. Training on the proper handling of reclaimed water shall be provided to employees required to be in direct contact with reclaimed systems. Systems in areas of public access shall be identified as in (a).

Sec. 16-346. Maintenance by customer

The property owner and/or customer shall be responsible for the maintenance of all reclaimed water lines and appurtenances on the customer's property, in conformance with State and local regulations. The Town reserves the right to disconnect the service to any property when the reclaimed water system and appurtenances are not properly maintained. In addition, should the customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the Town, the customer shall be responsible for the necessary devices to make adjustments and for obtaining approval by the director.

Sec. 16-347. Access To And Obstructions Of Appurtenances, Structures or Easements

(a) No person shall open, enter into, place, or allow anything to be placed in a manhole, vault, or valve box of the Town's reclaimed water system without written approval from the Director or his designee.

(b) No person shall damage, obstruct, or cover a manhole, vault, or valve box of the Town's reclaimed water system.

(c) No person shall plant trees, shrubs, or other plants within a reclaimed water easement without prior written approval from the Director.

(d) No person shall place any part of a structure or any permanent equipment within a reclaimed water easement without prior written approval from the Director. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

Sec. 16-348. Injury To Systems; Removing, Damaging, Breaking, Etc.

It shall be unlawful for any person to remove, damage, or interfere with any reclaimed water pipes belonging to the Town, or to remove, break, or injure any portion of any manhole, or any part of the reclaimed water of the utility system. Provided, it shall further be unlawful for any person to cut off or discontinue reclaimed water service to any part of the Town system without the written consent of the Director.

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Sec. 16-349. to Sec. 16-354 Reserved

DIVISION 5. PUBLIC EXTENSIONS OF RECLAIMED WATER SYSTEM

Sec. 16-355. Ownership by Town

In accordance with Section 16-100, all reclaimed water facilities and appurtenances within dedicated public easements when constructed or accepted by the Town, shall become and remain the property of the Town. No person shall, by payment of any charges provided herein, or by causing any construction of facilities accepted by the Town, acquire any interest or right in any of these facilities or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water service in accordance with this article and any amendments thereof.

Sec. 16-356. to Sections. 16-364 Reserved

DIVISION 6. CROSS CONNECTIONS

Sec. 16-365. Cross-Connections

There shall be no cross connections between the reclaimed water system on a customer's property and the Town potable water system or any private potable water system. In all premises where reclaimed water service is provided, the public or private potable water supply shall be protected by an approved cross-connection control plan. The plan for cross-connection control must be submitted with the application for reclaimed water service and must receive the prior approval of the director. In the event a cross-connection is found, the cross-connection shall be immediately disconnected, and reclaimed water service will be suspended. Before reconnection of the reclaimed water service, the public potable water system shall be protected against the possibility of future cross connections to the director's satisfaction. Additional protection against cross-connection may be required as specified by the director at the customer's expense before reclaimed water service is resumed.

Sec. 16-366. Labeling And Color-Coding

(a) All reclaimed water valves, storage facilities and outlets shall be tagged or labeled to warn the public or employees that the water is not intended for drinking.

(b) All reclaimed water piping, valves, outlets and other appurtenances shall be color-coded, taped, or otherwise marked to identify the source of the water as being reclaimed water, as defined in the Town Standards.

Sec. 16-367. Hose Bibbs Spigots Or Other Hand Operated Connections

(a) Hose bibbs spigots or other hand operated connections shall not be allowed.

(b) Above ground hose bibbs spigots or other hand operated connections are not allowed with reclaimed water systems.

*State law references: Control of sources of water pollution; permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems

Sec. 16-368. Storage Containers And Tank Trucks

Storage containers, including tank trucks that come into contact with reclaimed water, shall not be used to store or transport potable water that is used for drinking or other potable purposes. The containers and trucks shall be clearly labeled "RECLAIMED WATER - DO NOT DRINK". The containers shall not be filled through on-board piping or removable hoses that may subsequently be used to fill tanks with water from a potable water supply.

Sec. 16-369. To Sec. 16-399. Reserved

PART 2: REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of the Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

PART 3. SEVERABILITY. If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.


PART 4. INCLUSION IN CODE. It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

PART 5. EFFECTIVE DATE. The provisions of this ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

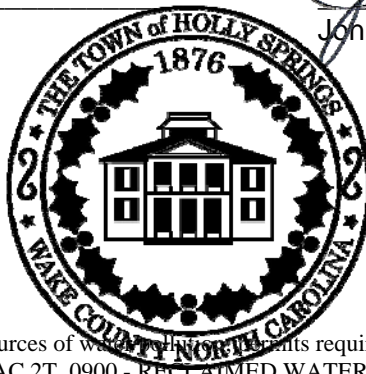
Adopted this, the 17th day of November, 2009.

TOWN OF HOLLY SPRINGS

Attested to:


Dick Sears, Mayor


Joni Powell, CMC, Town Clerk



*State law references: Control of sources of water pollution permits required. G.S. 143-215.1.

*NC Administrative Code: 15A NCAC 2T .0900 - RECLAIMED WATER Systems