

**COLUMBUS COUNTY BOARD OF COMMISSIONERS****January 19, 2010****6:30 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of conducting their regular scheduled meeting on the third Monday. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

Edwin Russ **Chairman**  
 Giles E. Byrd, **Vice Chairman**  
 Amon E. McKenzie  
 James E. Prevatte  
 Lynwood Norris  
 Ricky Bullard  
 Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
 Mike Stephens, **County Attorney**  
 Gail E. Edwards, **Executive Assistant**  
 Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**Agenda Items #1, #2 and #3:****MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 6:30 P.M., Chairman P. Edwin Russ called the January 19, 2010 Columbus County Board of Commissioners Regular Session Meeting to order. The invocation was delivered by Commissioner Amon E. McKenzie. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America, which was led by Vice Chairman Giles E. Byrd.

**Agenda Item #4: BOARD MINUTES APPROVAL:**

Commissioner Bullard made a motion to approve the January 04, 2010 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #5: PUBLIC INPUT:**

Chairman Russ opened the floor for public input. There were no public input received.

**Agenda Item #6: 2010 SINGLE FAMILY REHABILITATION PROGRAM - APPROVAL to SUBMIT APPLICATION:**

Warren Wooten, The Wooten Company, requested Board approval to submit an application on behalf of Columbus County to the North Carolina Housing Finance Agency for the 2010 Single Family Rehabilitation Program, in the amount of two hundred thousand and 00/100 (\$200,000.00) dollars. Pat Crystal, a representative from The Wooten Company, stated the following:

1. The application is for two hundred thousand and 00/100 (\$200,000.00) dollars;
2. These funds will help rehabilitate low to moderate income houses;
3. This particular program is different from the Community Development Block Grant Program with the Division of Community Assistance;
4. This program is housing finance, in that rather than looking for the worst houses or the poorest families, it goes to moderate deteriorated houses and moderate income families;
5. It is a deferred program up to approximately forty to forty-five thousand and 00/100 (\$40,000.00 - \$45,000.00) dollars to repair the house;
6. Deferred means that the homeowner does not have to pay the money back;
7. It does have to be owner occupied, not a tenant occupied;
8. The program is a little different this year;
9. Previously, you received an automatic four hundred thousand and 00/100 (\$400,000.00) dollars allocation, and this year, it is a two hundred thousand and 00/100 (\$200,000.00) dollars allocation, with an option that you get additional funds if you complete the first four units in an expeditious manner.

After discussion was conducted relative to who would qualify for this grant, what this grant

could or could not be used for and the application process, Commissioner McKenzie made a motion to approve Warren Wooten, The Wooten Company, to submit an application on behalf of Columbus County to the North Carolina Housing Finance Agency for the 2010 Single Family Rehabilitation Program, in the amount of two hundred thousand and 00/100 (\$200,000.00) dollars, seconded by Commissioner Bullard. The motion unanimously passed.

**Agenda Item #7: LOCAL EMERGENCY PLANNING COMMITTEE - APPROVAL OF 2010 MEMBERSHIP:**

David McPherson, Chairman, requested Board approval of the following listed membership for the Local Emergency Planning Committee.

Marvin Freeman	Billy Hobbs	Greg Cole
Dana Mauldin	Les High	David McPherson, Chairman
Mark Cox	Duce Niven	David Ransom
Edwin Russ	Michael Shaw	Tony Miller
Jeremy Jernigan	Kay Worley	Scott Merritt
Ed Worley, Vice Chairman	James E. Reddish	Robin Wetherington
Kim Smith	Wayne Martin	Shelia Johnson
Allen Johnson	Kip McClary	

Mr McPherson delivered the following update to the Board on the Local Emergency Planning Committee:

1. I would like to thank the Commissioners for filling the position of the Emergency Services Director, Jeremy Jernigan, and the Fire Marshal who are doing a very good job;
2. I would like to thank the fire and rescue personnel for a job well done and for working together;
3. I would like approval of the **revised** listed membership for the Local Emergency Planning Committee;
4. I would like to thank all the members of the Local Emergency Planning Committee for their attendance this past year;
5. The committee is dictated by the Federal Government under the SARAH Act and also handed down to the counties;
6. The following is a few items of what we did in the year 2009:
  - Jeremy Jernigan was hired as Emergency Services Director and Scott Merritt as the Fire Marshal;
  - Support in the Emergency Notification System for Columbus County has been used for the hay and tire fire in Chadbourn; **and**
  - The response was as good as it could have been;
7. Tier II Reporting, relating to chemical spills, is a requirement in industries, agricultural supply houses, etc., and we are updating that system;
8. Rope and Rescue Team is something we have been working on;
9. Major events in 2009 are as follows:
  - Radiation exercise in Onslow County;
  - Community Containment Table Top Exercise was held on April 23, 2009 and was very successful; **and**
10. Mass Casualty Exercise at Bolton on August 23, 2009 and was very successful.

Commissioner McKenzie made a motion to approve the following **revised** Local Emergency Planning Committee membership roster, seconded by Vice Chairman Byrd.

Marvin Freeman	Billy Hobbs	Greg Cole
Dana Mauldin	Les High	David McPherson, Chairman
Mark Cox	Duce Niven	David Ransom
Edwin Russ	Dalton Dockery	Tony Miller
Jeremy Jernigan	Kay Worley	Scott Merritt
Ed Worley, Vice Chairman	Robin Wetherington	Kim Smith
Wayne Martin	Shelia Johnson	Allen Johnson
Kip McClary	Tony Soles	

Discussion was conducted relative to a committee member living out of state, and one member who would not be returning.

**SUBSTITUTE MOTION:**

Commissioner Prevatte made a substitute motion to approve the **revised** Local Emergency Planning Committee membership roster, with the deletion of James E. "Foxy" Reddish.

Commissioner McKenzie withdrew his original motion and Vice Chairman withdrew his original second.

Vice Chairman Byrd seconded the substitute motion. The substitute motion unanimously passed.

**Agenda Item #8: EMERGENCY SERVICES - PERMISSION to MERGE the TOWNS Of FAIR BLUFF, LAKE WACCAMAW, TABOR CITY and WHITEVILLE into the COUNTY HAZARD MITIGATION PLAN:**

Jeremy Jernigan, Emergency Services Director, requested Board permission to merge the Towns of Fair Bluff, Lake Waccamaw, Tabor City and the City of Whiteville, by resolution, into the County Hazard Mitigation Plan. Mr. Jernigan stated the following:

1. Every five (5) years, we have to renew our County Hazard Mitigation Plan;
2. In previous years, these municipalities, that we have added to the list have done their Hazard Mitigation Plan; **and**
3. In Columbus County, from one side to the other and from top to bottom, it is very feasible for these municipalities to be added to our plan.

Commissioner Prevatte made a motion to approve permission to merge the towns of Fair Bluff, Lake Waccamaw, Tabor city and the City of Whiteville, by resolution, into the County Hazard Mitigation Plan, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #9: EMERGENCY SERVICES - ESTABLISHMENT of DATE and TIME for EMERGENCY COMMUNICATIONS WORKSHOP:**

Jeremy Jernigan, Emergency Services Director, requested the Board to establish a date and time for a workshop to discuss the need for upgrades to the county's emergency communications systems.

After a brief discussion, Commissioner Prevatte made a motion to set the date and time for a workshop to discuss the need for upgrades to the county's emergency communications systems at the February 01, 2010 Board Meeting, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #10: EMERGENCY SERVICES - APPROVAL of MEMORANDUM of AGREEMENT with NORTH CAROLINA DIVISION of FOREST RESOURCES:**

Jeremy Jernigan, Emergency Services Director, requested Board approval of the following Memorandum of Agreement giving permission for the North Carolina Division of Forest Resources to install a repeater system on the Nakina Radio Tower.

**MEMORANDUM OF AGREEMENT**

Columbus County Emergency Management does hereby grant the North Carolina Division of Forest Resources the privilege of installing a repeater system on the Columbus County EM repeater site located in the Nakina area effective November 1, 2009. In exchange for this privilege, the NC Division of Forest Resources agrees to mow the facility a minimum of once every two months during the growing season.

If at any time, it is determined that the installation or use of this aforementioned repeater system creates technical issues with any Columbus County radio communications that cannot be resolved, then this MOA becomes null and void and the repeater system will be disconnected immediately and removed within a reasonable amount of time.

This agreement is a no cost agreement, except for the exchange of labor for repeater space as already described.

/s/ **JEREMY JERNIGAN**  
Columbus County Emergency Services Director

/s/ **SHANE D. HARDEE**  
District Forester D-8  
NC Division of Forest Resources

Mr. Jernigan stated the following:

1. The North Carolina Division of Forest Resources presently has equipment on the fire tower in Nakina;
2. This fire tower is scheduled to be removed in the next two (2) years, so they are looking for a location for this equipment; **and**
3. We presently have a tower located in that site, and what we are looking at doing is working out a partnership for them to maintain the site for allowing them to place their equipment on this site.

Vice Chairman Byrd made a motion to approve the Memorandum of Agreement giving permission for the North Carolina Division of Forest Resources to install a repeater system on the Nakina Radio Tower, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #11: SHERIFF - VEHICLE MAINTENANCE and SURPLUS PROPERTY DISPOSAL:**

Sheriff Christopher Batten stated the following relative to the topics of vehicle maintenance and surplus property disposal.

**Vehicle Maintenance:**

1. We have been doing basically the same thing as the Purchasing Department;
2. We bid this service out in 2003 and 2005;
3. The only difference in what we are doing is we have taken the three (3) lowest bids that were received;
4. We sent out memos to all business for the type of service we needed;
5. I would like to offer as a substitute that the Sheriff's Department be allowed to continue doing what we have been doing to prevent any holdup in the service we need;
6. We have forty, plus (40+) vehicles that will need service on a timely basis;
7. Our tires are purchased on State contract;
8. We can work toward the rotation basis;
9. We leave the option to the officer as to where he takes his vehicle for the service that is needed;
10. We are presently using fifteen (15) vendors; **and**
11. The only difference would be the service on our vehicle would not be held up.

**Surplus Property Disposal:**

1. It is my opinion that the County would receive a higher price for the surplus property that is sold if we use Govdeals.com;
2. I will show you the advantages of using this website by explaining how to navigate on the website;
3. By using this method, it would eliminate storage problems; **and**
4. For the citizens of Columbus County that do not have access to a computer, we could have one set up in a central location for them to use.

After lengthy and in-depth discussion was conducted relative to the process that would be used, the accessibility of this information to some citizens, and the advantages and disadvantages, it was the general consensus of the Board that more information was needed and a policy needed to be in place before this action could take place.

**MOTION for VEHICLE MAINTENANCE:**

Vice Chairman Byrd made a motion to allow Sheriff Christopher Batten to offer his own rotation, as long as he follows the rotation system, and uses the vendors that Stuart Carroll, Purchasing Director, is using, seconded by Commissioner Norris.

After lengthy and in-depth discussion was conducted relative to the initial action approved by the Board, and the advantages and disadvantages of doing this, a roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Norris and Bullard; **and**  
**NAYS:** Commissioners Prevatte and Gore.

The motion passes on a five (5) to two (2) vote.

**Agenda Item #12: TAX - APPROVAL of IMPLEMENTING FLEX TIME SCHEDULE:**

Richard Gore, Columbus County Tax Administrator, requested Board approval to implement a Flex Time Schedule, as per the Columbus County Flex Policy. Mr. Gore stated the following:

1. We have taxpayers waiting in the parking lot before 8:30 A.M. at the Tax Department;
2. If we could get approval to implement a Flex Time Schedule, it would be advantageous to many of our citizens;
3. I am requesting the Tax Department be allowed to open at 8:00 A.M.;
4. This schedule would be beneficial to our employees to allow them to fulfill appointments in lieu of taking time off of work; **and**
5. If this is approved, I would like permission to meet with Mr. Clark to work out this schedule.

After a brief discussion, Commissioner McKenzie made a motion to approve the Columbus County Tax Department to implement a Flex Time Schedule, as per the Columbus County Flex Policy, and to meet with William S. Clark, County Manager, to work out a schedule, seconded by Vice Chairman Byrd.. A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Norris Bullard and Gore; **and**  
**NAYS:** Commissioner Prevatte.

The motion passes on a six (6) to one (1) vote.

**Agenda Item #13: HEALTH - DEPARTMENTAL UPDATE:**

William S. Clark, County Manager, stated that due to medical reasons, Kimberly Smith could not be present at this meeting.

**Agenda Item #14: LEGAL and PROFESSIONAL - RESOLUTION for the SALE of FORECLOSED PROPERTY:**

Mike Stephens, Columbus County Attorney, requested Board approval and adoption of the following Resolution Authorizing Sale of County Property Located at 14603 Sam Potts Highway, Bolton, NC.

**RESOLUTION AUTHORIZING SALE OF COUNTY PROPERTY LOCATED AT  
14603 SAM POTTS HIGHWAY, BOLTON, NC.**

**WHEREAS**, the County of Columbus owns certain property located at 14603 Sam Potts Highway, Bolton, NC that is surplus to its needs; and

**WHEREAS**, North Carolina General Statute § 160A-270 permits the County to sell real property at public auction upon the approval of the Board of Commissioners and after publication of a notice announcing the auction.

**NOW, THEREFORE THE BOARD OF COMMISSIONERS OF THE COUNTY OF COLUMBUS RESOLVES THAT:**

1. The Board of Commissioners authorizes the sale at public auction of that certain parcel of land indicated on Attachment A.
2. The auction will be conducted at 10:00 a.m., Monday, March 1, 2010, at the Courthouse Door, Columbus County Courthouse in the City of Whiteville, Columbus County, North Carolina.
3. The terms of the sale are that the buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by the County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid. The deposit will be

forfeited to the County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. After the auction, the high bid for the property shall be reported to the Board of Commissioners. The Board of Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the Board of Commissioners has approved the high bid.
5. The County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

**ADOPTED** January 19, 2010.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
/s/ **P. EDWIN RUSS, Chairman**

**ATTESTED BY:**

/s/ **JUNE B. HALL, Clerk to Board**

**ATTACHMENT A**  
**Property Available for Public Auction**

All that certain tract or parcel of land located in Bolton Township, Columbus County, North Carolina and containing 1.00 acre total, 0.85 acres net, 0.15 acres being excluded and being an existing 20' R/W easement of ingress and egress as shown on plat book 71 page 55 Columbus County Register of Deeds. Said parcel being a portion of Dorothy Waddell Brown lands recorded in deed book 446 page 486 Columbus County Register of Deeds.

Being bounded by lands owned by or in possession of persons as follows, on the west by Dianne B. Pyatt and Brenda L. Bland, on the north and east by Dorothy Waddell Brown and on the east by J. B. Waddell and on the south by NC 214 (formerly US 74-76).

For a tie line begin at an old nail and cap located in the centerline of NC 214 at the intersection of the centerline of 16th in the Town of Bolton, North Carolina. Thence running along the centerline of NC 214 North 82 deg. 37 min. 50 sec. West 2088.06 feet to an old nail and cap. Thence North 09 deg. 36 min. 57 sec. East 30.36 feet to an old iron pipe the point of beginning. Thence North 08 deg. 31 min. 29 sec. West 135.03 feet to an old iron pipe., Thence North 08 deg. 33 min. 14 sec. West 159.64 feet to an old iron. Thence North 08 deg. 34 min. 16 sec. West 79.65 feet to an iron set. Thence South 83 deg. 29 min. 05 sec. East 169.15 feet to an iron set. Thence South 06 deg. 31 min. 28 sec. West 78.67 feet to an old iron pipe, J.B. Waddell's northwest corner. Thence running said Waddell line South 06 deg. 31 min. 28 sec. West 283.38 feet to an old iron. Thence North 83 deg. 01 min. 01 sec. West 71.82 feet to an old iron pipe the point of beginning. All bearings being magnetic per plat book 71 page 55 and distances according to a survey by Jimmy D. Etheridge PLS no. 3415 on March 19, 2003.

See Book 730 Page 572 including easement and Book 730 Page 573.

This property is located at 14603 Sam Potts Highway, Bolton, NC.

Vice Chairman Byrd made a motion to approve and adopt the Resolution Authorizing Sale of County Property Located at 14603 Sam Potts Highway, Bolton, NC, seconded by Commissioner Prevatte. The motion unanimously passed.

**RECESS REGULAR SESSION and enter into COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING**

At 7:50 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into a **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Vice Chairman Byrd. The motion unanimously passed.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

This information will be recorded in Minute Book Number 1 for each Water District,

respectively.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities.. **(This will be the first reading.)**

This information will be recorded in Minute Book Number 1 for each Water District, respectively.

**ADJOURN COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III IV and V BOARD MEETING and resume REGULAR SESSION**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #17: CONSENT AGENDA ITEMS:**

**A. Budget Amendment:**

Vice Chairman Byrd made a motion to table the following Budget Amendment, seconded by Commissioner Norris. The motion unanimously passed.

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-4320-519301	Medical Expense	9,103
Revenue	10-3431-420002	SCAAP - Criminal Alien Assistance	9,301

**B. Tax Refunds and Releases:**

Vice Chairman Byrd made a motion to approve the following Tax Refunds and Releases, seconded by Commissioner Prevatte. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):  
January 19, 2010 Tuesday**

Refunds Name: Lewis, William Monroe Amount: \$0.00  
 Value: \$0.00 Year 005 Account # 06-04112 Bill # 9954 Total \$177.00  
 Refund user fee for year 2005. House was vacant.  
 P.O.Box 448 Mullins SC 29574

Refunds Name: McKeithan, Eugene & Jackie Amount: \$0.00  
 Value: \$0.00 Year 009 Account # 03-15799 Bill # 39940 Total \$210.00  
 Refund user fee. House is vacant.  
 P.O. Box 27 Nakina NC 28455

Refunds Name: Thurston, Ellen Amount: \$421.36  
 Value: \$51,700.00 Year 009 Account # 02-05520 Bill # 58265 Total \$431.70  
 Refund portion to Ellen Thurston and Rebill Whiteville Ready Mix Concrete. Refund portion of Columbus Rescue.  
 1102 N Thompson Street Whiteville NC 28472

Refunds Name: Robinson, David A & Amber Amount: \$0.00  
 Value: \$0.00 Year 009 Account # 08-02921 Bill # 47599 Total \$210.00  
 Refund user fee. Did not have can for 2009.  
 4377 Blacksmith Rd Bolton NC 28423

Refunds Name: Wells, Harold B ETAL Amount: \$670.75

# 514

Value: \$82,300.00 Year 008 Account # 02-02502 Bill # 89486 Total \$687.21  
Refund portion of property value and Whiteville Rescue.  
P.O. Box 399 Whiteville NC 28472

## **TAX RELEASES (as submitted to the Governing Body Office from the Tax Office): January 19, 2010 (Tuesday)**

Release the Property Value in the name of Gablehouse, Connie Frances Amount: \$374.40  
Value: \$53,800.00 Year: 2004 Account # 06-04321 Bill # 6353 Total \$384.00  
Release the property value and Columbus Rescue fee for year 2004. Repoed.

Release the Property Value in the name of Holmes, Arthur Amount: \$43.75  
Value: \$2,801.00 Year: 2008-2 Account # 14-02628 Bill # 3244 Total \$54.02  
Release property value, the Welch's Creek fee(4.29), the Whiteville Rescue fee (1.07) Land Sold. No Farm  
Equipment in Columbus County.

Release the Property Value in the name of Jacobs, Douglas H & Cindy Amount: \$29.99  
Value: \$3,680.00 Year: 2009 Account # 08-09812 Bill # 4532 Total \$30.73  
Release property value and Columbus Rescue. Double listed to Haywood Jacobs.

Release the Property Value in the name of Porter, George Niles Amount: \$154.41  
Value: \$2,329.00 Year: 2004-2 Account # 03-17791 Bill # 999 Total \$191.46  
Release property value for years 2004-2009. Single wide burned and replaced with stick built home, Double  
listed to George Porter. Release Nakina Fire (15.71) Release Columbus Rescue(3.93)

Release the Property Value in the name of Powell, Jerry E. & Patricia Amount: \$377.35  
Value: \$51,600.00 Year: 2009 Account # 13-02037 Bill # 5528 Total \$451.43  
Release property value for 2009, a portion of Klondyke Fire (32.41), a portion of Columbus Rescue (9.26), a  
portion of Water District II (32.41). Double listed to Jerry Powell.

Release the Property Value in the name of Sing, Kathy Marie Amount: \$249.39  
Value: \$41,600.00 Year: 2009 Account # 07-01838 Bill # 0079 Total \$279.99  
Release a portion of property value, a portion of Nakina Fire(24.48), a portion of Columbus Rescue (6.12).  
House Burned 01-03-2008.

Release the Property Value in the name of Wells, Harold B. Sr.ETAL Amount: \$670.75  
Value: \$83,300.00 Year: 2009 Account # 02-02502 Bill # 7861 Total \$687.21  
Release property value for 2008-2009 Whiteville Rescue fee.Transfer error. Swamp Land.

Release the User Fee in the name of Gablehouse, Connie Frances Amount: \$0.00  
Value: \$0.00 Year: 2004 Account # 06-04321 Bill # 6353 Total \$177.00  
Release user fee. Repoed.

Release the User Fee in the name of Porter, George Niles Amount: \$0.00  
Value: \$0.00 Year: 9999 Account # 03-17791 Bill # 999 Total \$1,150.00  
Release user fee for years 2004-2009. Mobile Home burned.

Release the User Fee in the name of Powell, Jerry Amount: \$0.00  
Value: \$0.00 Year: 2009 Account # 13-02037 Bill # 5528 Total \$210.00  
Release User Fee. Double listed to Jerry Powell

Release the User Fee in the name of Sing, Kathy Marie Amount: \$0.00  
Value: \$0.00 Year: 2008-2 Account # 07-01838 Bill # 999 Total \$410.00  
Release user fee for years 2008-2009. House Burned 01-03-2008

### **Agenda Item #18: COMMENTS:**

Chairman Russ opened the floor for comments. The following spoke.

#### **A. Department Head:**

**Edward Davis (Soil and Water Conservation):** stated the following:

- A. The Voluntary Agriculture District Board met on January 11, 2010, and approved the application form for the Voluntary Agriculture District Program; **and**

- B. We will begin taking applications on Monday, February 01, 2010 at the Soil and Water Conservation Office.
- B. **Board of Commissioners:**
1. **Commissioner McKenzie:** What has been decided on the disposal of plastic containers? Kip McClary, Solid Waste Director, replied stating we offer the service at the convenience sites. We do have something coming up with Waste Management and they will be giving us some numbers on a recycling program, and we will be bringing this information to the Board. William S. Clark, County Manager, stated that meeting would be held this Friday in my office.
  2. **Commissioner Gore:** stated the following:
    - A. I have received another telephone call about the 4:30 A.M. trash pick-up by Waste Management on Talbot Street;
    - B. I would like to know if the letter was sent to the City of Whiteville relative to this matter. Mr. Clark replied stating the letter had been sent to the City of Whiteville;
    - C. In the Environmental Inspections area, there are some terrible leaks which are getting supplies wet and they are having to use trash cans. Is this matter being looked into? Tony Soles, Maintenance Director, replied stating there was a roof put on and it leaked worse, and he came back and covered approximately one thousand (1,000 SF) square feet of what he had already covered, and he went out there this past Friday and put in a roof drain. The roof is sagging and holding water, and he is under the assumption that if he removes the water quick enough, he can reduce the leaks. I called him this morning and it is still leaking after he put the drains in; **and**
    - D. I would like for you to contact the manufacturer and check into this matter.
  3. **Commissioner Bullard:** stated the following:
    - A. I have also received complaints relative to the early trash pick-up by Waste Management;
    - B. I would like to congratulate the County on receiving the seventy-five thousand and 00/100 (\$75,000.00) dollars grant to hook up water to low to moderate houses;
    - C. The letter stated there was only twenty (20) residents that applied for this grant, and I think we need to advertise this and hook up as many as we possibly can to get that money spent wisely;
    - D. The stairs in the lobby do not meet the building codes, they are a safety hazard, the handrails are not adequate, and I think these stairs need to be brought up to code;
    - E. The steps outside are slick and need some type of padding.
  4. **Vice Chairman Byrd:** stated the following:
    - A. All seven (7) of the County Commissioners are elected from different districts to come and speak what we feel is right for our district and for the entire County;
    - B. I see the tension building on the Board and I see the Board starting to pull apart;
    - C. We do not need to allow this to happen, we need to be able to express each other's opinion, whether we agree or not;
    - D. It is the seven (7) of us to work it out and come to a conclusion and work together, and when the issue is settled, move on the next one;
    - E. We do not need to lash out at each other, I would like to see harmony on this Board, and all of us work for the betterment of the County;
    - F. We are dividing ourselves and Columbus County is going to hurt from this; **and**
    - G. Each one of us deserves the respect from the others to speak what we think.
  5. **Chairman Russ:** I would like for the Sheriff and Stuart Carroll to work closely together on the vehicle maintenance.
- C. **County Manager (William S. Clark):** stated the following:
1. Justin Smith, Economic Development Director, has resigned;
  2. His last day will be this Friday, and there will be a reception for him from 9:00 A.M.

- until 10:30 A.M. on Friday morning;
3. We have advertised that job and are getting applications; **and**
  4. I would like to remind you of the Board Planning Retreat.

**OTHER:**

**Workshop - Establishment of Time for Subdivision Ordinance Workshop:**

After discussion was conducted, it was the general consensus of the Board to establish 6:00 P.M. as the time for the January 25, 2010 Subdivision Ordinance Workshop.

**Agenda Item #19: ADJOURNMENT:**

At 8:30 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Vice Chairman Byrd. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS, Executive Assistant**

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**P. EDWIN RUSS, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**January 19, 2010**

**7:50 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

P. Edwin Russ, **Chairman**  
Giles E. (Buddy) Byrd, **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Lynwood Norris  
Ricky Bullard  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Gail E. Edwards, Executive Assistant  
Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**MEETING CALLED TO ORDER:**

At 7:50 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the January 04, 2010 Columbus County Water and Sewer District I Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the first reading.**)

**Columbus County Public Utilities Department**

**Uniform Rules for All Water Districts and Retail Water Facilities**

### Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

#### **Section 1. Introduction**

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

#### **Section 2. Policy Administration/Authority**

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

#### **Section 3. Definitions**

**Agent** is the legal representative of a corporation or partnership that holds title to property served by the district.

**Board of Commissioners** is the duly elected governing body of Columbus County.

**Building** is a structure as defined in the North Carolina Building Code.

**Commodity Charge** is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

**Connections** are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

**Controlled** by is owned, operated, or leased by.

**County** is Columbus.

**Customer** is the person legally or equitably responsible for the payment of charges for water services on any premises.

**District** is the one of the statutory established water service areas in the County and its designated agents.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Improved Street** is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

**Lateral** is that portion of the water connection which does not include meter, box, or meter setter of connection.

**Main** is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

**May** is permissive (see “shall”).

**Occupant** is the customer who is actually in possession or control of any premises.

**Owner** is the person having legal or equitable title to any premises.

**Person** is an individual, firm, association, partnership, or corporation.

**Premise** is land, building, or other structure and appurtenances thereto.

**Service Line** is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

**Shall** is mandatory (see “may”).

**Unusual Conditions** is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

#### **Section 4. Water Laterals and Tap-On**

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

**Section 5. Connections To Be Made By District Only Upon Application**

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

**Section 6. Application for Connection**

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

**Section 7. Disapproval of Applicant**

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

**Section 8. Separate Water Connections and Meters Required**

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.

- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard ¾ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), ©, and (D) above.

**Section 9. Connections and Meters to Remain Property of the District**

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

**Section 10. Maintenance of Meters and Connections**

All meters and water laterals shall be maintained by the District at the District's expense.

**Section 11. Connection to Other Than Water District Supply**

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

**Section 12. When Water Meters Read**

All water meters or water systems controlled by the service district(s) shall be read monthly.

**Section 13. Adjustments of Overcharges**

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal

rate, and no adjustment of the bill shall be made.

- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00

#### **Section 14. Meter Tests**

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

#### **Section 15. Water for Temporary Purposes**

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

#### **Section 16. Tampering with Meters and Cutoffs**

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

#### **Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.**

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in

quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

**Section 18. Protection of Water Supply**

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

**Section 19. Repealing Clause**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

**Section 20. Procedures**

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.

- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

### **Section 20.1 Procedures for water Systems During Construction**

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

**See “Attachment B” for schedule of fees.**

### **Section 21. Initial or Minimum Charge**

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

### **Section 22. District’s Responsibility and Liability**

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

**Section 23. Customer's Responsibility**

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

**Section 24. Access to Premises**

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

## **Section 25. Change of Occupancy**

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

## **Section 26. Billing and Collecting**

- (A) Meters will be read and bills rendered as follows:
  - 1. Meters will be read once a month, and billing will be accomplished once per month.
  - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become late 15 days from "Date Bill Mailed". A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash

payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

**Section 27. Suspension of Service**

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
  2. Emergency repairs.
  3. Insufficiency of supply due to circumstances beyond the District's control.
  4. Legal processes.
  5. Direction of public authorities.
  6. Strike, riot, fire, flood, accident, or any unavoidable cause.
  7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

**Section 28. Termination Clause**

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer's request.

**Section 29. Complaints – Adjustments**

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
  2. Water Advisory Board
  3. Utilities Director
  4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

**Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"**

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

## (B) Rate Schedule

## 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

## 2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

## (C) Tap-On Fees

## 1. Tap-On Fee:

**A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners.** This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

## 2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

## 3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

**Section 31. Water System Extensions by Private Entities**

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

**Section 32. Inclusive Terms**

Use of the masculine herein shall include the feminine and neuter and the singular shall include the

plural.

**Section 33. Governing Law**

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

**Section 34. Notice**

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:  
Columbus County Public Utilities Department  
612 North Madison Street  
Whiteville, N.C. 28472

**Section 35. Nondiscrimination**

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: \_\_\_\_\_

**APPROVED and ADOPTED** this 1<sup>st</sup> day of February, 2010.

Signature: \_\_\_\_\_  
**P. EDWIN RUSS**, Chairman  
Columbus County Board of Commissioners

Attest By: \_\_\_\_\_  
**JUNE B. HALL**  
Clerk to the Board

**“Attachment A”**

**Water Rate Schedule**

**District I**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District II**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District III**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District IV**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District V**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

**Guideway School**

1 <sup>st</sup> 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

**\*\*\*\*\*THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY\*\*\*\*\***

**“Attachment B”****Application Fee**

	<b><u>During Construction</u></b>	<b><u>After Construction</u></b>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

**Security Deposit**

Per Account	\$ 50.00
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**Late Payment Fee**

After Due Date	\$ 5.00
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**Delinquent Account Penalty**

Per Account	\$ 30.00
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**Reconnection Fee**

Per Account	\$ 30.00
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**Return Check Fee**

Per Check	\$ 25.00
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**Meter Testing Fee**

Per Meter

\$ 25.00

**Meter Tampering Fee**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

**14-151.1****CH.14****Criminal Law****14-151.1**

**14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the

electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Mr. McClary stated the following:

1. This is the first reading of the proposed changes that were discussed in our January 11, 2010 Workshop;
2. On Page 5, you will find the highlighted changes that have been made based on our discussion;
3. On Page 8, we have **added** Section 20.1 which is Procedures for Water Systems During Construction;
4. On Page 10, under Section 26 - Billing and Collecting, Paragraph (E) has been revised;
5. I have had one (1) request to add an additional sentence to that, that would basically state the following **“The account will not qualify for a waiver if a waiver has been given in the previous twelve (12) months”**, and with your approval, we will add this to the next reading;
6. On Page 13, under Section 30 - Classifications, Rates, Fees and Charges - See Attachment “A”, Paragraph (C) Tap-On Fees, we re-worded this, and in Paragraph (D), wording was changed from Re-Connect Fee to Delinquent Account Penalty;
7. You will find that same language on Attachment “B” which is Page 17, and that wording has been changed from Re-Connect Fee to Delinquent Account Penalty.

**Discussion:**

**Vice Chairman Byrd:** This is basically what we all agreed to at the January 11, 2010 Workshop.

**Commissioner Prevatte:** I don’t have a problem with this, but what I am saying is that the account could not be delinquent in the previous twelve (12) months in order to qualify for the waiver.

**Vice Chairman Byrd:** The twelve (12) month period would start from the start date of the **revised** policy approval, but not previous to this action.

**Kip McClary:** A word of caution on this issue, if this is the intent, then the wording needs to be clearly stated in the policy to prevent any misinterpretation.

**Commissioner McKenzie:** It was my understanding that all of the customers would start off clean with this policy.

**Kip McClary:** If this is done, you will have approximately eighty (80) customers that you will have to charge off automatically.

**Commissioner McKenzie:** This was not discussed. It was my assumption that we would start from that date and give all the customers a clean slate and move forward.

**Kip McClary:** That is why I recommended the issue of the rolling twelve - we calculate it from the day of.

Discussion was conducted on the intent of the rolling twelve system.

**Kip McClary:** I need to ask, what is the pleasure of the Board, do we wish to add this one (1) statement to Paragraph E, on Page 10, that the account will not qualify for a waiver, if the waiver has been given in the previous twelve (12) months?

**Commissioner Bullard:** I think we need to leave this one alone.

**Kip McClary:** Do we need to take a vote on this?

**Chairman Edwin Russ:** In two (2) more years, I think we will have two (2) new Board members, and you can't keep changing the policy due to new members being on board.

**Commissioner McKenzie:** We don't change policy until a situation occurs and when it is needed.

**Commissioner Gore:** I do not want to do anything that would jeopardize the solvency of the Water Districts.

**Commissioner Bullard:** Mr. Clark, what do you think of the changes?

**William S. Clark:** Our original recommendation was to stay with the policy the way it was. In some situations, if warranted, you do need to change a policy.

**MOTION:**

Commissioner Bullard made a motion to leave the policy as is, seconded by Commissioner Gore.

**Commissioner Bullard:** Are we going to vote on all the changes in part or in whole?

**William S. Clark:** There are some added recommendations in the policy that are needed.

**Withdrawal of Motion and Second:**

Commissioner Bullard withdrew his motion and Commissioner Gore withdrew his second.

After additional discussion was conducted, Commissioner Prevatte made a motion to approve the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, with the recommended changes, **on its first reading**, seconded by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte and Norris; **and**

**NAYS:** Commissioner Bullard and Gore.

The motion passes on a five (5) to two (2) vote.

**ADJOURNMENT:**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS**  
Executive Assistant

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**P. EDWIN RUSS, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**January 19, 2010**

**7:50 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

P. Edwin Russ, **Chairman**  
Giles E. (Buddy) Byrd, **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Lynwood Norris  
Ricky Bullard  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Gail E. Edwards, Executive Assistant  
Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**MEETING CALLED TO ORDER:**

At 7:50 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the January 04, 2010 Columbus County Water and Sewer District II Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the first reading.**)

**Columbus County Public Utilities Department**

**Uniform Rules for All Water Districts and Retail Water Facilities**

## Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

### **Section 1. Introduction**

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

### **Section 2. Policy Administration/Authority**

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

### **Section 3. Definitions**

**Agent** is the legal representative of a corporation or partnership that holds title to property served by the district.

**Board of Commissioners** is the duly elected governing body of Columbus County.

**Building** is a structure as defined in the North Carolina Building Code.

**Commodity Charge** is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

**Connections** are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

**Controlled** by is owned, operated, or leased by.

**County** is Columbus.

**Customer** is the person legally or equitably responsible for the payment of charges for water services on any premises.

**District** is the one of the statutory established water service areas in the County and its designated agents.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Improved Street** is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

**Lateral** is that portion of the water connection which does not include meter, box, or meter setter of connection.

**Main** is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

**May** is permissive (see “shall”).

**Occupant** is the customer who is actually in possession or control of any premises.

**Owner** is the person having legal or equitable title to any premises.

**Person** is an individual, firm, association, partnership, or corporation.

**Premise** is land, building, or other structure and appurtenances thereto.

**Service Line** is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

**Shall** is mandatory (see “may”).

**Unusual Conditions** is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

#### **Section 4. Water Laterals and Tap-On**

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

**Section 5. Connections To Be Made By District Only Upon Application**

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

**Section 6. Application for Connection**

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

**Section 7. Disapproval of Applicant**

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

**Section 8. Separate Water Connections and Meters Required**

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.

- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard ¾ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), ©, and (D) above.

**Section 9. Connections and Meters to Remain Property of the District**

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

**Section 10. Maintenance of Meters and Connections**

All meters and water laterals shall be maintained by the District at the District's expense.

**Section 11. Connection to Other Than Water District Supply**

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

**Section 12. When Water Meters Read**

All water meters or water systems controlled by the service district(s) shall be read monthly.

**Section 13. Adjustments of Overcharges**

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal

rate, and no adjustment of the bill shall be made.

(C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00

## **Section 14. Meter Tests**

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

## **Section 15. Water for Temporary Purposes**

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

## **Section 16. Tampering with Meters and Cutoffs**

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

## **Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.**

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in

quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

**Section 18. Protection of Water Supply**

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

**Section 19. Repealing Clause**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

**Section 20. Procedures**

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.

- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

## **Section 20.1 Procedures for water Systems During Construction**

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

**See “Attachment B” for schedule of fees.**

## **Section 21. Initial or Minimum Charge**

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

## **Section 22. District’s Responsibility and Liability**

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

**Section 23. Customer's Responsibility**

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

**Section 24. Access to Premises**

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

## **Section 25. Change of Occupancy**

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

## **Section 26. Billing and Collecting**

- (A) Meters will be read and bills rendered as follows:
  - 1. Meters will be read once a month, and billing will be accomplished once per month.
  - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become lat 15 days from "Date Bill Mailed". A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash

payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

**Section 27. Suspension of Service**

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
  2. Emergency repairs.
  3. Insufficiency of supply due to circumstances beyond the District's control.
  4. Legal processes.
  5. Direction of public authorities.
  6. Strike, riot, fire, flood, accident, or any unavoidable cause.
  7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

**Section 28. Termination Clause**

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer’s request.

**Section 29. Complaints – Adjustments**

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
  - 1. Office Manager
  - 2. Water Advisory Board
  - 3. Utilities Director
  - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

**Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”**

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

## (B) Rate Schedule

## 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

## 2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

## (C) Tap-On Fees

## 1. Tap-On Fee:

**A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners.** This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

## 2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

## 3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

**Section 31. Water System Extensions by Private Entities**

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

**Section 32. Inclusive Terms**

Use of the masculine herein shall include the feminine and neuter and the singular shall include the

plural.

**Section 33. Governing Law**

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

**Section 34. Notice**

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:  
Columbus County Public Utilities Department  
612 North Madison Street  
Whiteville, N.C. 28472

**Section 35. Nondiscrimination**

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: \_\_\_\_\_

**APPROVED and ADOPTED** this 1<sup>st</sup> day of February, 2010.

Signature: \_\_\_\_\_  
**P. EDWIN RUSS**, Chairman  
Columbus County Board of Commissioners

Attest By: \_\_\_\_\_  
**JUNE B. HALL**  
Clerk to the Board

**“Attachment A”**

**Water Rate Schedule**

**District I**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District II**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District III**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District IV**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District V**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

**Guideway School**

1 <sup>st</sup> 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

**\*\*\*\*\*THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY\*\*\*\*\***

**“Attachment B”****Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

**Security Deposit**

Per Account	\$ 50.00
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**Late Payment Fee**

After Due Date	\$ 5.00
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**Delinquent Account Penalty**

Per Account	\$ 30.00
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**Reconnection Fee**

Per Account	\$ 30.00
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**Return Check Fee**

Per Check	\$ 25.00
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**Meter Testing Fee**

Per Meter

\$ 25.00

**Meter Tampering Fee**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

**14-151.1****CH.14****Criminal Law****14-151.1**

**14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the

electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Mr. McClary stated the following:

1. This is the first reading of the proposed changes that were discussed in our January 11, 2010 Workshop;
2. On Page 5, you will find the highlighted changes that have been made based on our discussion;
3. On Page 8, we have **added** Section 20.1 which is Procedures for Water Systems During Construction;
4. On Page 10, under Section 26 - Billing and Collecting, Paragraph (E) has been revised;
5. I have had one (1) request to add an additional sentence to that, that would basically state the following **“The account will not qualify for a waiver if a waiver has been given in the previous twelve (12) months”**, and with your approval, we will add this to the next reading;
6. On Page 13, under Section 30 - Classifications, Rates, Fees and Charges - See Attachment “A”, Paragraph (C) Tap-On Fees, we re-worded this, and in Paragraph (D), wording was changed from Re-Connect Fee to Delinquent Account Penalty;
7. You will find that same language on Attachment “B” which is Page 17, and that wording has been changed from Re-Connect Fee to Delinquent Account Penalty.

**Discussion:**

**Vice Chairman Byrd:** This is basically what we all agreed to at the January 11, 2010 Workshop.

**Commissioner Prevatte:** I don’t have a problem with this, but what I am saying is that the account could not be delinquent in the previous twelve (12) months in order to qualify for the waiver.

**Vice Chairman Byrd:** The twelve (12) month period would start from the start date of the **revised** policy approval, but not previous to this action.

**Kip McClary:** A word of caution on this issue, if this is the intent, then the wording needs to be clearly stated in the policy to prevent any misinterpretation.

**Commissioner McKenzie:** It was my understanding that all of the customers would start off clean with this policy.

**Kip McClary:** If this is done, you will have approximately eighty (80) customers that you will have to charge off automatically.

**Commissioner McKenzie:** This was not discussed. It was my assumption that we would start from that date and give all the customers a clean slate and move forward.

**Kip McClary:** That is why I recommended the issue of the rolling twelve - we calculate it from the day of.

Discussion was conducted on the intent of the rolling twelve system.

**Kip McClary:** I need to ask, what is the pleasure of the Board, do we wish to add this one (1) statement to Paragraph E, on Page 10, that the account will not qualify for a waiver, if the waiver has been given in the previous twelve (12) months?

**Commissioner Bullard:** I think we need to leave this one alone.

**Kip McClary:** Do we need to take a vote on this?

**Chairman Edwin Russ:** In two (2) more years, I think we will have two (2) new Board members, and you can't keep changing the policy due to new members being on board.

**Commissioner McKenzie:** We don't change policy until a situation occurs and when it is needed.

**Commissioner Gore:** I do not want to do anything that would jeopardize the solvency of the Water Districts.

**Commissioner Bullard:** Mr. Clark, what do you think of the changes?

**William S. Clark:** Our original recommendation was to stay with the policy the way it was. In some situations, if warranted, you do need to change a policy.

**MOTION:**

Commissioner Bullard made a motion to leave the policy as is, seconded by Commissioner Gore.

**Commissioner Bullard:** Are we going to vote on all the changes in part or in whole?

**William S. Clark:** There are some added recommendations in the policy that are needed.

**Withdrawal of Motion and Second:**

Commissioner Bullard withdrew his motion and Commissioner Gore withdrew his second.

After additional discussion was conducted, Commissioner Prevatte made a motion to approve the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, with the recommended changes, **on its first reading**, seconded by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte and Norris; **and**

**NAYS:** Commissioner Bullard and Gore.

The motion passes on a five (5) to two (2) vote.

**ADJOURNMENT:**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS**  
Executive Assistant

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**P. EDWIN RUSS, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**January 19, 2010**

**7:50 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

P. Edwin Russ, **Chairman**  
Giles E. (Buddy) Byrd, **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Lynwood Norris  
Ricky Bullard  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Gail E. Edwards, Executive Assistant  
Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**MEETING CALLED TO ORDER:**

At 7:50 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the January 04, 2010 Columbus County Water and Sewer District III Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the first reading.**)

**Columbus County Public Utilities Department**

**Uniform Rules for All Water Districts and Retail Water Facilities**

### Operated by Columbus County Public Utilities

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

#### **Section 1. Introduction**

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

#### **Section 2. Policy Administration/Authority**

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

#### **Section 3. Definitions**

**Agent** is the legal representative of a corporation or partnership that holds title to property served by the district.

**Board of Commissioners** is the duly elected governing body of Columbus County.

**Building** is a structure as defined in the North Carolina Building Code.

**Commodity Charge** is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

**Connections** are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

**Controlled** by is owned, operated, or leased by.

**County** is Columbus.

**Customer** is the person legally or equitably responsible for the payment of charges for water services on any premises.

**District** is the one of the statutory established water service areas in the County and its designated agents.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Improved Street** is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

**Lateral** is that portion of the water connection which does not include meter, box, or meter setter of connection.

**Main** is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

**May** is permissive (see “shall”).

**Occupant** is the customer who is actually in possession or control of any premises.

**Owner** is the person having legal or equitable title to any premises.

**Person** is an individual, firm, association, partnership, or corporation.

**Premise** is land, building, or other structure and appurtenances thereto.

**Service Line** is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

**Shall** is mandatory (see “may”).

**Unusual Conditions** is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

#### **Section 4. Water Laterals and Tap-On**

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

## **Section 5. Connections To Be Made By District Only Upon Application**

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

## **Section 6. Application for Connection**

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

## **Section 7. Disapproval of Applicant**

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

## **Section 8. Separate Water Connections and Meters Required**

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.

- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard ¾ inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), ©, and (D) above.

**Section 9. Connections and Meters to Remain Property of the District**

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

**Section 10. Maintenance of Meters and Connections**

All meters and water laterals shall be maintained by the District at the District's expense.

**Section 11. Connection to Other Than Water District Supply**

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

**Section 12. When Water Meters Read**

All water meters or water systems controlled by the service district(s) shall be read monthly.

**Section 13. Adjustments of Overcharges**

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal

rate, and no adjustment of the bill shall be made.

- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00

#### **Section 14. Meter Tests**

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

#### **Section 15. Water for Temporary Purposes**

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

#### **Section 16. Tampering with Meters and Cutoffs**

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

#### **Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.**

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in

quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

**Section 18. Protection of Water Supply**

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

**Section 19. Repealing Clause**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

**Section 20. Procedures**

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.

- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

**Section 20.1 Procedures for water Systems During Construction**

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

**See “Attachment B” for schedule of fees.**

**Section 21. Initial or Minimum Charge**

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

**Section 22. District’s Responsibility and Liability**

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

**Section 23. Customer's Responsibility**

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

**Section 24. Access to Premises**

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

## **Section 25. Change of Occupancy**

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

## **Section 26. Billing and Collecting**

- (A) Meters will be read and bills rendered as follows:
  - 1. Meters will be read once a month, and billing will be accomplished once per month.
  - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become late 15 days from "Date Bill Mailed". A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash

payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

**Section 27. Suspension of Service**

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
  2. Emergency repairs.
  3. Insufficiency of supply due to circumstances beyond the District's control.
  4. Legal processes.
  5. Direction of public authorities.
  6. Strike, riot, fire, flood, accident, or any unavoidable cause.
  7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

**Section 28. Termination Clause**

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer's request.

**Section 29. Complaints – Adjustments**

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
  2. Water Advisory Board
  3. Utilities Director
  4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

**Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"**

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

## (B) Rate Schedule

## 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

## 2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

## (C) Tap-On Fees

## 1. Tap-On Fee:

**A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners.** This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

## 2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

## 3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

**Section 31. Water System Extensions by Private Entities**

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

**Section 32. Inclusive Terms**

Use of the masculine herein shall include the feminine and neuter and the singular shall include the

plural.

**Section 33. Governing Law**

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

**Section 34. Notice**

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:  
Columbus County Public Utilities Department  
612 North Madison Street  
Whiteville, N.C. 28472

**Section 35. Nondiscrimination**

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: \_\_\_\_\_

**APPROVED and ADOPTED** this 1<sup>st</sup> day of February, 2010.

Signature: \_\_\_\_\_  
**P. EDWIN RUSS**, Chairman  
Columbus County Board of Commissioners

Attest By: \_\_\_\_\_  
**JUNE B. HALL**  
Clerk to the Board

**“Attachment A”**

**Water Rate Schedule**

**District I**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District II**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District III**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District IV**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District V**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

**Guideway School**

1 <sup>st</sup> 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

**\*\*\*\*\*THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY\*\*\*\*\***

**“Attachment B”****Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

**Security Deposit**

Per Account	\$ 50.00
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**Late Payment Fee**

After Due Date	\$ 5.00
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**Delinquent Account Penalty**

Per Account	\$ 30.00
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**Reconnection Fee**

Per Account	\$ 30.00
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**Return Check Fee**

Per Check	\$ 25.00
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**Meter Testing Fee**

Per Meter

\$ 25.00

**Meter Tampering Fee**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

**14-151.1****CH.14****Criminal Law****14-151.1**

**14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the

electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Mr. McClary stated the following:

1. This is the first reading of the proposed changes that were discussed in our January 11, 2010 Workshop;
2. On Page 5, you will find the highlighted changes that have been made based on our discussion;
3. On Page 8, we have **added** Section 20.1 which is Procedures for Water Systems During Construction;
4. On Page 10, under Section 26 - Billing and Collecting, Paragraph (E) has been revised;
5. I have had one (1) request to add an additional sentence to that, that would basically state the following “**The account will not qualify for a waiver if a waiver has been given in the previous twelve (12) months**”, and with your approval, we will add this to the next reading;
6. On Page 13, under Section 30 - Classifications, Rates, Fees and Charges - See Attachment “A”, Paragraph (C) Tap-On Fees, we re-worded this, and in Paragraph (D), wording was changed from Re-Connect Fee to Delinquent Account Penalty;
7. You will find that same language on Attachment “B” which is Page 17, and that wording has been changed from Re-Connect Fee to Delinquent Account Penalty.

**Discussion:**

**Vice Chairman Byrd:** This is basically what we all agreed to at the January 11, 2010 Workshop.

**Commissioner Prevatte:** I don’t have a problem with this, but what I am saying is that the account could not be delinquent in the previous twelve (12) months in order to qualify for the waiver.

**Vice Chairman Byrd:** The twelve (12) month period would start from the start date of the **revised** policy approval, but not previous to this action.

**Kip McClary:** A word of caution on this issue, if this is the intent, then the wording needs to be clearly stated in the policy to prevent any misinterpretation.

**Commissioner McKenzie:** It was my understanding that all of the customers would start off clean with this policy.

**Kip McClary:** If this is done, you will have approximately eighty (80) customers that you will have to charge off automatically.

**Commissioner McKenzie:** This was not discussed. It was my assumption that we would start from that date and give all the customers a clean slate and move forward.

**Kip McClary:** That is why I recommended the issue of the rolling twelve - we calculate it from the day of.

Discussion was conducted on the intent of the rolling twelve system.

**Kip McClary:** I need to ask, what is the pleasure of the Board, do we wish to add this one (1) statement to Paragraph E, on Page 10, that the account will not qualify for a waiver, if the waiver has been given in the previous twelve (12) months?

**Commissioner Bullard:** I think we need to leave this one alone.

**Kip McClary:** Do we need to take a vote on this?

**Chairman Edwin Russ:** In two (2) more years, I think we will have two (2) new Board members, and you can't keep changing the policy due to new members being on board.

**Commissioner McKenzie:** We don't change policy until a situation occurs and when it is needed.

**Commissioner Gore:** I do not want to do anything that would jeopardize the solvency of the Water Districts.

**Commissioner Bullard:** Mr. Clark, what do you think of the changes?

**William S. Clark:** Our original recommendation was to stay with the policy the way it was. In some situations, if warranted, you do need to change a policy.

**MOTION:**

Commissioner Bullard made a motion to leave the policy as is, seconded by Commissioner Gore.

**Commissioner Bullard:** Are we going to vote on all the changes in part or in whole?

**William S. Clark:** There are some added recommendations in the policy that are needed.

**Withdrawal of Motion and Second:**

Commissioner Bullard withdrew his motion and Commissioner Gore withdrew his second.

After additional discussion was conducted, Commissioner Prevatte made a motion to approve the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, with the recommended changes, **on its first reading**, seconded by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte and Norris; **and**

**NAYS:** Commissioner Bullard and Gore.

The motion passes on a five (5) to two (2) vote.

**ADJOURNMENT:**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS**  
Executive Assistant

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**P. EDWIN RUSS, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**January 19, 2010**

**7:50 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

P. Edwin Russ, **Chairman**  
Giles E. (Buddy) Byrd, **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Lynwood Norris  
Ricky Bullard  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Gail E. Edwards, Executive Assistant  
Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**MEETING CALLED TO ORDER:**

At 7:50 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the January 04, 2010 Columbus County Water and Sewer District IV Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. (**This will be the first reading.**)

**Columbus County Public Utilities Department**

**Uniform Rules for All Water Districts and Retail Water Facilities**

**Operated by Columbus County Public Utilities**

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

**Section 1. Introduction**

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

**Section 2. Policy Administration/Authority**

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

**Section 3. Definitions**

**Agent** is the legal representative of a corporation or partnership that holds title to property served by the district.

**Board of Commissioners** is the duly elected governing body of Columbus County.

**Building** is a structure as defined in the North Carolina Building Code.

**Commodity Charge** is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

**Connections** are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

**Controlled** by is owned, operated, or leased by.

**County** is Columbus.

**Customer** is the person legally or equitably responsible for the payment of charges for water services on any premises.

**District** is the one of the statutory established water service areas in the County and its designated agents.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Improved Street** is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

**Lateral** is that portion of the water connection which does not include meter, box, or meter setter of connection.

**Main** is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

**May** is permissive (see “shall”).

**Occupant** is the customer who is actually in possession or control of any premises.

**Owner** is the person having legal or equitable title to any premises.

**Person** is an individual, firm, association, partnership, or corporation.

**Premise** is land, building, or other structure and appurtenances thereto.

**Service Line** is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

**Shall** is mandatory (see “may”).

**Unusual Conditions** is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

#### **Section 4. Water Laterals and Tap-On**

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

## **Section 5. Connections To Be Made By District Only Upon Application**

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

## **Section 6. Application for Connection**

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

## **Section 7. Disapproval of Applicant**

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

## **Section 8. Separate Water Connections and Meters Required**

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.

- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard  $\frac{3}{4}$  inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), ©, and (D) above.

**Section 9. Connections and Meters to Remain Property of the District**

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

**Section 10. Maintenance of Meters and Connections**

All meters and water laterals shall be maintained by the District at the District's expense.

**Section 11. Connection to Other Than Water District Supply**

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

**Section 12. When Water Meters Read**

All water meters or water systems controlled by the service district(s) shall be read monthly.

**Section 13. Adjustments of Overcharges**

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal

rate, and no adjustment of the bill shall be made.

- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00

#### **Section 14. Meter Tests**

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

#### **Section 15. Water for Temporary Purposes**

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

#### **Section 16. Tampering with Meters and Cutoffs**

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

#### **Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.**

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in

quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

**Section 18. Protection of Water Supply**

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

**Section 19. Repealing Clause**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

**Section 20. Procedures**

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.

- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

**Section 20.1 Procedures for water Systems During Construction**

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

**See “Attachment B” for schedule of fees.**

**Section 21. Initial or Minimum Charge**

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

**Section 22. District’s Responsibility and Liability**

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

**Section 23. Customer's Responsibility**

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

**Section 24. Access to Premises**

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

**Section 25. Change of Occupancy**

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

**Section 26. Billing and Collecting**

- (A) Meters will be read and bills rendered as follows:
  - 1. Meters will be read once a month, and billing will be accomplished once per month.
  - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become late 15 days from "Date Bill Mailed". A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash

payment is not received within a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

**Section 27. Suspension of Service**

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charged for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
  2. Emergency repairs.
  3. Insufficiency of supply due to circumstances beyond the District's control.
  4. Legal processes.
  5. Direction of public authorities.
  6. Strike, riot, fire, flood, accident, or any unavoidable cause.
  7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

**Section 28. Termination Clause**

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer’s request.

**Section 29. Complaints – Adjustments**

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
  - 1. Office Manager
  - 2. Water Advisory Board
  - 3. Utilities Director
  - 4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

**Section 30. Classifications, Rates, Fees, and Charges - See Attachment “A”**

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

## (B) Rate Schedule

## 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

## 2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

## (C) Tap-On Fees

## 1. Tap-On Fee:

**A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners.** This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

## 2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

## 3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

**Section 31. Water System Extensions by Private Entities**

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

**Section 32. Inclusive Terms**

Use of the masculine herein shall include the feminine and neuter and the singular shall include the

plural.

**Section 33. Governing Law**

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

**Section 34. Notice**

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:  
Columbus County Public Utilities Department  
612 North Madison Street  
Whiteville, N.C. 28472

**Section 35. Nondiscrimination**

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: \_\_\_\_\_

**APPROVED and ADOPTED** this 1<sup>st</sup> day of February, 2010.

Signature: \_\_\_\_\_  
**P. EDWIN RUSS**, Chairman  
Columbus County Board of Commissioners

Attest By: \_\_\_\_\_  
**JUNE B. HALL**  
Clerk to the Board

**“Attachment A”**

**Water Rate Schedule**

**District I**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District II**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District III**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District IV**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District V**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

**Guideway School**

1 <sup>st</sup> 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

**\*\*\*\*\*THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY\*\*\*\*\***

**“Attachment B”****Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

**Security Deposit**

Per Account	\$ 50.00
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**Late Payment Fee**

After Due Date	\$ 5.00
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**Delinquent Account Penalty**

Per Account	\$ 30.00
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**Reconnection Fee**

Per Account	\$ 30.00
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**Return Check Fee**

Per Check	\$ 25.00
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**Meter Testing Fee**

Per Meter

\$ 25.00

**Meter Tampering Fee**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

**14-151.1****CH.14****Criminal Law****14-151.1**

**14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmetered, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the

electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Mr. McClary stated the following:

1. This is the first reading of the proposed changes that were discussed in our January 11, 2010 Workshop;
2. On Page 5, you will find the highlighted changes that have been made based on our discussion;
3. On Page 8, we have **added** Section 20.1 which is Procedures for Water Systems During Construction;
4. On Page 10, under Section 26 - Billing and Collecting, Paragraph (E) has been revised;
5. I have had one (1) request to add an additional sentence to that, that would basically state the following “**The account will not qualify for a waiver if a waiver has been given in the previous twelve (12) months**”, and with your approval, we will add this to the next reading;
6. On Page 13, under Section 30 - Classifications, Rates, Fees and Charges - See Attachment “A”, Paragraph (C) Tap-On Fees, we re-worded this, and in Paragraph (D), wording was changed from Re-Connect Fee to Delinquent Account Penalty;
7. You will find that same language on Attachment “B” which is Page 17, and that wording has been changed from Re-Connect Fee to Delinquent Account Penalty.

**Discussion:**

**Vice Chairman Byrd:** This is basically what we all agreed to at the January 11, 2010 Workshop.

**Commissioner Prevatte:** I don’t have a problem with this, but what I am saying is that the account could not be delinquent in the previous twelve (12) months in order to qualify for the waiver.

**Vice Chairman Byrd:** The twelve (12) month period would start from the start date of the **revised** policy approval, but not previous to this action.

**Kip McClary:** A word of caution on this issue, if this is the intent, then the wording needs to be clearly stated in the policy to prevent any misinterpretation.

**Commissioner McKenzie:** It was my understanding that all of the customers would start off clean with this policy.

**Kip McClary:** If this is done, you will have approximately eighty (80) customers that you will have to charge off automatically.

**Commissioner McKenzie:** This was not discussed. It was my assumption that we would start from that date and give all the customers a clean slate and move forward.

**Kip McClary:** That is why I recommended the issue of the rolling twelve - we calculate it from the day of.

Discussion was conducted on the intent of the rolling twelve system.

**Kip McClary:** I need to ask, what is the pleasure of the Board, do we wish to add this one (1) statement to Paragraph E, on Page 10, that the account will not qualify for a waiver, if the waiver has been given in the previous twelve (12) months?

**Commissioner Bullard:** I think we need to leave this one alone.

**Kip McClary:** Do we need to take a vote on this?

**Chairman Edwin Russ:** In two (2) more years, I think we will have two (2) new Board members, and you can't keep changing the policy due to new members being on board.

**Commissioner McKenzie:** We don't change policy until a situation occurs and when it is needed.

**Commissioner Gore:** I do not want to do anything that would jeopardize the solvency of the Water Districts.

**Commissioner Bullard:** Mr. Clark, what do you think of the changes?

**William S. Clark:** Our original recommendation was to stay with the policy the way it was. In some situations, if warranted, you do need to change a policy.

**MOTION:**

Commissioner Bullard made a motion to leave the policy as is, seconded by Commissioner Gore.

**Commissioner Bullard:** Are we going to vote on all the changes in part or in whole?

**William S. Clark:** There are some added recommendations in the policy that are needed.

**Withdrawal of Motion and Second:**

Commissioner Bullard withdrew his motion and Commissioner Gore withdrew his second.

After additional discussion was conducted, Commissioner Prevatte made a motion to approve the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, with the recommended changes, **on its first reading**, seconded by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte and Norris; **and**

**NAYS:** Commissioner Bullard and Gore.

The motion passes on a five (5) to two (2) vote.

**ADJOURNMENT:**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS**  
Executive Assistant

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**P. EDWIN RUSS, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**January 19, 2010**

**7:50 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board. These minutes were recorded by Gail E. Edwards, Executive Assistant, and transcribed by June B. Hall, Clerk to the Board.

**COMMISSIONERS PRESENT:**

P. Edwin Russ, **Chairman**  
Giles E. (Buddy) Byrd, **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Lynwood Norris  
Ricky Bullard  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Gail E. Edwards, Executive Assistant  
Bobbie Faircloth, **Finance Officer**

**APPOINTEE ABSENT:**

June B. Hall, **Clerk to Board**

**MEETING CALLED TO ORDER:**

At 7:50 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #15: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

January 04, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the January 04, 2010 Columbus County Water and Sewer District V Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of REVISED UNIFORM RULES for all WATER DISTRICTS and RETAIL WATER FACILITIES OPERATED by COLUMBUS COUNTY PUBLIC UTILITIES:**

Kip McClary, Public Utilities Director, requested Board approval and adoption of the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities. **(This will be the first reading.)**

**Columbus County Public Utilities Department**

**Uniform Rules for All Water Districts and Retail Water Facilities**

**Operated by Columbus County Public Utilities**

Rules Regulating the Use of Water for Facilities Operated by Columbus County and Establishing Fees and Other Charges and Providing for Collection of the Same.

Now, therefore, be it ordained by the Water District Board as follows:

**Section 1. Introduction**

The Public Utilities Department was created by the Water District Board and has been given the responsibility for operating, maintaining, and expanding the District's water systems. The District Board and the Water Advisory Committee (advisory board to the Board of Commissioners) are committed to making the Public Utilities Department a self-sustaining department within the County's governmental structure through rates and other fees.

In addition to the policies herein, the District has established many standards and specifications for utility design, construction, and operation, prepared by the Public Utilities Department. This handbook will describe these policies, standards, and specifications as related to public water utilities.

It shall be the philosophy and the intent of the District to provide potable water to all those citizens of the District where it is deemed economically feasible and structurally practical.

**Section 2. Policy Administration/Authority**

Staff administration of said policy shall be the responsibility of the County Manager, or his designee shall direct the expansion of the Public Utilities Department upon the directions and guidance of the Water District Board, and from time to time as necessity requires, make decisions developing the operations of the District's water systems and shall have the authority to make decisions necessary to ensure that the expansion and upgrade of the District's utility infrastructure is consistent with policy and philosophy. These rules and regulations are adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of providing adequate and reasonable rules and regulations to protect and regulate special County service district(s); water supply; and distribution systems in Columbus County. These rules and regulations are also adopted pursuant to North Carolina General Statute 162A-86 et seq. for the purpose of establishing a schedule of rates, fees, charges, and penalties for the use of, and services furnished by special County service district water supply and distribution systems in Columbus County.

**Section 3. Definitions**

**Agent** is the legal representative of a corporation or partnership that holds title to property served by the district.

**Board of Commissioners** is the duly elected governing body of Columbus County.

**Building** is a structure as defined in the North Carolina Building Code.

**Commodity Charge** is the unit fee for water supplied through a service meter that is normally presented as cost per one thousand gallons.

**Connections** are that part of the water service line that runs from the main to the property line, including all appurtenances, to make the service complete and ready to use.

**Controlled** by is owned, operated, or leased by.

**County** is Columbus.

**Customer** is the person legally or equitably responsible for the payment of charges for water services on any premises.

**District** is the one of the statutory established water service areas in the County and its designated agents.

**Easement** shall mean an acquired legal right for the specific use of land owned by others.

**Improved Street** is any street having a wearing surface or concrete, brick, stone block, asphalt, or any bituminous compound.

**Lateral** is that portion of the water connection which does not include meter, box, or meter setter of connection.

**Main** is the water pipe usually laid in a road or a street right-of-way running parallel to the property line that distributes water.

**May** is permissive (see “shall”).

**Occupant** is the customer who is actually in possession or control of any premises.

**Owner** is the person having legal or equitable title to any premises.

**Person** is an individual, firm, association, partnership, or corporation.

**Premise** is land, building, or other structure and appurtenances thereto.

**Service Line** is a water line that may service a house, business, apartments, etc. that runs from the street to the establishment being served. Service line may also be called “lateral”.

**Shall** is mandatory (see “may”).

**Unusual Conditions** is to mean delays in acquiring materials, parts, and (or) supplies, rock encountered in construction, usually severe weather, and other items or circumstances which might cause delays not under the control of the District.

#### **Section 4. Water Laterals and Tap-On**

Water laterals will be installed only at the request of the Owner or his agent. When the lateral terminates at the property line, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service.

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## **Section 5. Connections To Be Made By District Only Upon Application**

The construction of water laterals within the street right-of-way and the setting of meters shall be the responsibility of the District. The construction of such lateral or the setting of such meter shall be done only after written application therefore has been approved. The only exceptions to this provision will be when a developer's contractor in new subdivisions installs laterals and meter yokes or commercial developments in compliance with this Document as shall be established by the District from time to time, and for initial water district(s) system construction.

## **Section 6. Application for Connection**

Every application for water service shall list, on forms provided by the District, the property owner, the applicant's name, the street on which the lot is located, the number of the house or a description of the lot location (including PIN). This application shall be filed not less than ten (10) working days before the proposed connection is desired. Upon receipt of the application, the tap will be scheduled at the earliest possible date. Unusual conditions may be just cause for additional time in providing the service required. When the size of the service and the cost of the connection have been determined, the applicant shall deposit the previously determined cost and shall be issued a permit for the desired connection.

## **Section 7. Disapproval of Applicant**

If, in the opinion of the District through the Water Advisory Committee, the water connection applied for will be such character as to put too great a demand on any part of the system and disrupt the District's ordinary water service requirements (30 psi system residual pressure under peak domestic flow conditions or 20 psi system residual pressure under fire flow conditions), it shall disapprove the application until such time as adequate means are provided to eliminate the unsatisfactory condition in the District's water service, the District shall require the customer to adopt remedial measures to eliminate the unsatisfactory condition. The District shall not in any way be responsible for any cost or inconvenience, in any matter, caused by a change in service requirements after an application has been approved, or by an installation before the application has been approved.

## **Section 8. Separate Water Connections and Meters Required**

Each building shall have a separate meter, and where practicable, shall have a separate water lateral. In the event that one lateral is used for two (2) dwellings, commercial or industrial buildings, or used to serve two or more meters for the same dwelling, commercial or industrial buildings, a separate cut-off shall be provided for each meter.

However, there shall be an exception to the requirement for separate water meters in the case of groups of mobile homes or apartment developments under single ownership. In the case of said groups of mobile homes or apartment developments of more than ten (10) units, one (1) meter may be used for the entire project unless additional meters are requested by the property owner or deemed necessary by the proper District authority, and the following conditions shall be met:

- (A) All bills will be rendered to the Owner of the property.

- (B) The bill will be calculated by a minimum charge for the master meter, which shall be based on the number of units served times the minimum charge per standard  $\frac{3}{4}$  inch meter. The remaining bill shall be based on the total consumption passing through the master meter times the unit commodity charge.
- (C) Should any portion of the development be sold, the owners shall be responsible for paying whatever additional costs would be involved in bringing the divided development into compliance.
- (D) Cost of service shall be included in the rent/lease of each unit, and no individual meters shall be allowed.

In the case of group mobile homes or apartment developments where ten (10) or fewer units are involved, and where ownership is in one party, the owner may elect to have a single meter used for the entire project. Where such election is made the owner shall comply with the conditions set forth as (A), (B), ©, and (D) above.

**Section 9. Connections and Meters to Remain Property of the District**

All meters, boxes, vaults, pipes, and other equipment and appurtenances furnished and installed by the District in a water connection shall remain the property of the District. If, after an installation is completed, the property owner requests that a meter or lateral be changed in size and this request is approved by the District, the property owner shall pay for the change of lateral as though it were a new connection. Owner shall pay or be refunded the difference of the cost of meters in the original and new installations according to the then current price of the two meters.

**Section 10. Maintenance of Meters and Connections**

All meters and water laterals shall be maintained by the District at the District's expense.

**Section 11. Connection to Other Than Water District Supply**

No part of the District's water system shall be connected to any source of water supply other than those authorized by official action of the Water District Board. If, on any premises, both the District's water and water from any other source are used, the piping shall be completely separate.

**Section 12. When Water Meters Read**

All water meters or water systems controlled by the service district(s) shall be read monthly.

**Section 13. Adjustments of Overcharges**

The District shall have the authority to adjust any water bill after determining that the water bill is excessive, upon the approval of the appropriate Water Authority, under the following conditions:

- (A) If the cause is a defect in a water meter, the water bill shall be the average for the previous six months.
- (B) All metered water lost due to negligence on the part of the user will be charged at the normal

rate, and no adjustment of the bill shall be made.

- (C) Adjustments can be given for leaks on amounts exceeding the average bill based on a calculation of the preceding twelve months and only once in any twelve month period.

Example: For the month of July the customer had a leak and their bill was \$100.00. The customer's water bill for the preceding twelve months was \$25.00 for each month. When you divide the total dollar amount by twelve months it will give you the average, which is \$25.00. See Section 13 ©. The total adjustment made to this account would be \$75.00

#### **Section 14. Meter Tests**

Any customer may have their meter tested upon payment of a \$25.00 fee. No more than two (2) meter tests shall be conducted within any twelve (12) month period for a given service installation. See Section 29 (B).

#### **Section 15. Water for Temporary Purposes**

Portable meters for connection to fire hydrants may be furnished by the District provided an application is filed with, and a deposit paid to the District. The actual deposit shall be as determined by the District. In no case shall the deposit exceed the cost of the meter, materials and installation cost thereof. The applicant shall be responsible for any damage to the hydrant, meter, connections, etc., used in the installation. The cost of any such damage shall be taken from the deposit. A service charge equal to the minimum monthly water bill rate for each month or part thereof shall be made for a temporary meter in addition to the cost of the water used through such meter at a rate of two (2) times the normal unit commodity charge. After deducting the water bill, service charge, and any cost of damage to the installation, the District shall refund the balance of the deposit to the applicant as soon as the meter is removed and returned to the District's stock. While in use, no wrench shall be used on the hydrant except a hydrant wrench that is furnished by the District. If scarred by unauthorized methods, the cost of equipment and/or appurtenances and labor to repair it shall be charged to the person or entity responsible for the damage. Should the water bill, service charge, and cost of damage exceed the deposit, the user shall pay the amount of such excess to the District.

#### **Section 16. Tampering with Meters and Cutoffs**

No person, except a duly authorized employee of the District, shall turn the cutoff installed in each meter box nor shall any person construct or have constructed any bypass around any meter except as may be installed and sealed by the District. The fact that water is cut on to any premises by an occupant thereof without the prior knowledge of either the District or the owner shall not relieve such premises of liability for such unauthorized use of water. Tampering will result in a fine determined by the North Carolina State Statute Ch. 14-151-1.

#### **Section 17. No Guarantee of Quality. Quantity of Pressure of Water Supply Notice to be Given when Water is to be Cut Off.**

The District does not guarantee the quality, quantity, flow rate, or pressure of its water supply. It is hereby made a portion of the terms on which the District furnishes water to customer that the District in no case shall be liable to any customer for any defect in quality or any deficiency in

quantity, flow rate, or pressure; that the District shall not be liable to any customer for damages resulting from the complete or partial cutting off of water; and no deduction shall be made from any water bill by reason of any such defect or deficiency. Reasonable notice shall be given when the water is to be cut-off from any portion of a water system controlled by the District. No District employee shall be responsible for telling a property owner or occupant how best to care for his boiler, water heater, or other equipment, which is affected by the discontinuance, either temporary or permanent, of his water supply. The owner or occupant shall be entirely responsible for his equipment and shall hold the District in no way responsible for damage thereof.

**Section 18. Protection of Water Supply**

No person shall contaminate any portion of the District's water supply whether the same is in a reservoir, tank, or pipe.

**Section 19. Repealing Clause**

If any section, paragraph, subdivision, clause, or provision of these rules and regulations shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these rules and regulations shall be deemed valid and effective.

**Section 20. Procedures**

- (A) Service will be supplied only to those who apply.
- (B) Users will make application for service, in person, with valid photo identification, at the office of the designated District Department, and at the same time make the deposit guarantee required hereafter.
- (C) The District may reject any application for services not available under a standard rate or that involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons.
- (D) The District may reject any application for service when the applicant is delinquent in any payment of any bills incurred for service or connection fees previously supplied at any location. When the Owner of the premises has been served water and has not paid for the same, the District shall not be required to render services to anyone at said location where the water was used until said water bill has been paid.
- (E) All users will make a cash deposit in the amount determined by the District. Deposits shall not draw interest for user and/or owner. All users who qualify as mobile home parks or multi-family shall make a deposit equal to the number of unit's times the deposit the amount for a single residential service.
- (F) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.
- (G) A separate deposit is required for each meter and/or service connection requested.

- (H) The deposit required by this document or part remaining thereof will be refunded upon payment of final bill and final accounting.

## **Section 20.1 Procedures for water Systems During Construction**

- (A) During periods of water district construction approved by the Commissioners, the water department staff may set a deadline for customer signups in the area under construction. The deadline will be for the purpose of determining the actual addresses to be served. The deadline will be set for 60 days prior to the official project completion date.
- (B) A written notice shall be delivered a minimum of 30 days prior to the 60 day deadline to all addresses who have not signed up on the roads specified to receive water mains. The notice shall be on the official county letterhead, shall specify the deadline date, and shall be worded in such a way as to encourage customers to sign up for water service prior to the deadline date.
- (C) Customers within the construction area who sign up for water service during the discounted rate period will not be refunded the application fee or the security deposit until the project is completed and it is determined that water service could not be provided to them.

**See “Attachment B” for schedule of fees.**

## **Section 21. Initial or Minimum Charge**

The initial or minimum charge, as provided in the rate schedule, shall be made for each service meter installed, regardless of location. See Attachment “A”. Thirty (30) days after water service has been installed, all users shall be billed at the minimum monthly charge.

## **Section 22. District’s Responsibility and Liability**

- (A) The District shall run a service or lateral line from its distribution main to the property line where the distribution main runs immediately adjacent to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.
- (B) The District may install a meter within the North Carolina Department of Transportation Encroachment line or at the District’s option, on the customer’s property in a location mutually agreed upon. For meter installations on customer’s property, an easement for the service line and meter installation may be granted to the District.
- (C) When two (2) or more meters are to be installed on the same premises for different customers, they shall be closely grouped as reasonably possible and each clearly designated to which customer it applies.
- (D) The District Utilities Department does not assume responsibility for inspecting the customer’s plumbing, piping, or water conveyance and use appurtenances.
- (E) The District reserves the right to refuse service unless the customer’s lines or piping are installed in such a manner as to prevent cross-connections or backflow.

- (F) The District shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from gross negligence on the part of the District. The District shall not be responsible for any damage done by, or resulting from any defect in the piping, fixtures, or appliances on the customer's premises. The District shall not be responsible for any negligence of third persons or forces beyond the control of the District resulting in an interruption of service.
- (G) Under normal conditions, the customer will be notified of any anticipated interruptions of service.

**Section 23. Customer's Responsibility**

- (A) Piping on the customer's premises must be so arranged that the connections are in a convenient location with respect to the District's lines or mains.
- (B) If the customer's piping on customer's premises is so arranged that the District is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
- (C) Where a meter is placed on premises of a customer, a suitable place shall be provided by the customer for placing such meter, unobstructed and accessible at all times to the meter reader. An easement for the service line and the meter shall be granted to the District.
- (D) The customer shall furnish and maintain the service line on the customer's side of the meter. The District to provide same service on the District's side of such meter.
- (E) The customer's piping and apparatus shall be installed and maintained by the customer at the customer's expense in a safe and efficient manner; in accordance with the District's rules, regulations, and ordinances, and in full compliance with the North Carolina Building Code and the sanitary regulations of the North Carolina Division of Environmental Health.
- (F) The customer shall reasonably guarantee proper protection for all property controlled by the District and placed on the customer's premises by the District or any predecessor in interest to the District and shall permit to it only by authorized representatives of the District.
- (G) In the event that any loss or damage to such property or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the customer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the District and any liability otherwise resulting shall be assumed by the customer.
- (H) The amount if such loss or damage or the cost of repairs shall be added to the customer's bill, and if not paid, service may be discontinued by the District.

**Section 24. Access to Premises**

Duly authorized agents of the District shall have access during all reasonable hours to the premises of the customer for the purpose of installing or removing property controlled by the District, inspecting piping, reading or testing meters, or for any other purpose in connection with the District's services and facilities.

## **Section 25. Change of Occupancy**

- (A) Not less than three days notice must be given in person or not less than five days in writing, if mailed, to discontinue service for a change in occupancy. Such notice shall be given at the District office, which has responsibility for management of service accounts.
- (B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.

## **Section 26. Billing and Collecting**

- (A) Meters will be read and bills rendered as follows:
  - 1. Meters will be read once a month, and billing will be accomplished once per month.
  - 2. The District reserves the right to vary the date of meter readings and billing or length of period for billing temporarily or permanently if necessary or desirable.
- (B) Bills for water will be calculated in accordance with the District's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter reading.
- (C) Charge for service shall commence when service is installed, and water distribution main is tested and accepted. The first billing may be sixty (60) days from the installation. The exception to this provision is for owner or developer constructed water facilities including services, and in this case charge for service shall commence when an application is made a meter is set.
- (D) Reading for different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different customers, or for the same of different services.
- (E) Bills are due when rendered and become lat 15 days from "Date Bill Mailed". A late payment fee of \$5.00 will be charged if payment of water bill is not received by 5:00 P.M. on "Due Date". If bill is not paid within five (5) days of the due date, service may be discontinued by District, and a delinquent account penalty will be assessed. See Attachment B. The delinquent account penalty shall be waived only once per account in any twelve month period. If customer has not paid bill in full at the end of ninety (90) days, the District will initiate legal procedures to collect the amount due.
- (F) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the customer from payment.
- (G) If a check is returned for insufficient funds on a disconnection/reconnection for nonpayment on account, the service will be cut off immediately and meter removed. If a check is returned for insufficient funds on a reconnection with a deposit, the service will be cut off immediately and meter removed. When a check is returned for insufficient funds on an active account, the District will notify the customer by phone or letter of this transaction, requesting immediate payment of the check and a \$25.00 service charge. If the cash

payment is not received with a month, the service will be disconnected during the next billing cycle and the meter is removed.

- (H) If the check is returned for Non-Sufficient Funds or Closed Account, the District may pursue any legal options available.

**Section 27. Suspension of Service**

- (A) Upon discontinuance of service for non-payment of bills, the District may proceed to collect the balance as provided by law for the collection of debts.
- (B) A service discontinued for non-payment of bills will be restored only after bills are paid in full, and a service charge determined by the District is paid for each meter reconnected. In addition, a \$30.00 service charge is applicable when meter is reconnected as a result of voluntary disconnection requested by the property owner. The District may, from time to time, increase this service charge. Request for restoration of service will be honored on the day requested provided the payment is made by 5:00 P.M.; otherwise, the restoration of service will be made the next workday. There will be no reconnections after 5:00 P.M.
- (C) A penalty of \$50.00 will be charged if the seal is broken on any locked meter and water is used. However, a penalty of twice the first amount will be charges for the second and all subsequent occurrences. The penalty must be paid in full before any reconnections to the water system are made.
- (D) After a connection has been discontinued for a period of twelve (12) consecutive months, the District may remove the meter base, meter, curb stop valve, meter box, and service line for use elsewhere.
- (E) At any time after the meter base, meter, curb stop valve, and meter box have been removed in addition to the service charge set forth in subsection © above, and additional service charge equal to the then tap-on fee shall be paid as a reconnection fee. In addition, the customer must make the required deposit.
- (F) The District reserves the right to discontinue its service without notice for the following additional reasons, but not exclusively:
1. To prevent fraud or abuse.
  2. Emergency repairs.
  3. Insufficiency of supply due to circumstances beyond the District's control.
  4. Legal processes.
  5. Direction of public authorities.
  6. Strike, riot, fire, flood, accident, or any unavoidable cause.
  7. Customer's negligence

8. Acts of God.

- (G) The District may, in addition to prosecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device.

## **Section 28. Termination Clause**

A customer can disconnect from the system after paying the cost of the tap into the account. The customer may pay a disconnect fee of \$25.00 to have the meter removed if the meter is replaced the customer could at that time pay a reconnect fee of \$25.00. The disconnect by the Department will be within a reasonable time after the customer's request.

## **Section 29. Complaints – Adjustments**

- (A) If the customer believes his bill to be in error, he shall present his claim, in person, at the District Office managing the water accounts before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest, and said payment shall not prejudice his claim.
- (B) The District will make special meter readings at the request of the customer for a \$25.00 fee provided; however, that if such special reading discloses that the meter was over read; or in error in any way, the fee will be refunded. See Section 14.
- (C) The Order of the Appeals Process is as follows:
1. Office Manager
  2. Water Advisory Board
  3. Utilities Director
  4. Water Advisory Board

Each person or persons will have thirty (30) days in which to review the complaint. The Water Advisory Board meets quarterly, in which the complaint will be heard within a reasonable time after complaint if filed pursuant to stipulations of this document.

- (D) No modifications of rates or the rules and regulations shall be made by any employee of the District as it relates to (A), (B), and © above.

## **Section 30. Classifications, Rates, Fees, and Charges - See Attachment "A"**

The following classifications, rates, fees, assessments, and charges are adopted:

- (A) Classification of Service

All services are classified under two (2) categories to include residential or commercial users. A residential service is a service requiring a meter size up to and including one (1) inch. All other services shall be classified commercial.

## (B) Rate Schedule

## 1. Residential:

Rates will be established and approved from time to time by the Water District Board.

## 2. Commercial:

Rates will be established and approved from time to time by the Water District Board.

## (C) Tap-On Fees

## 1. Tap-On Fee:

**A discounted tap-on fee may be offered to a residence located within the district during the time of formation or additions, per Attachment B, as approved by the Board of Commissioners.** This discounted tap fee will be available to all customers up and until the time the final inspection is performed. After this point, the tap-on fee will revert to the District's Fee schedule and will be subject to all other applicable fees present in this section.

## 2. See Columbus County Utilities Water Service Schedule. See Attachment "A".

## 3. See Columbus County Water Service Fee Schedule. See Attachment "A".

(D) Application Fee, Deposit, Late Payment Fee, **Delinquent Account Penalty**, Reconnection Fee, Returned Check Fee, Meter Testing Fee, and Meter Tampering Fee.

See Attachment "B".

**Section 31. Water System Extensions by Private Entities**

(A) Private entities, including individuals, residential and commercial developers, businesses, and industries may construct extensions to the District system.

(B) Procedures for preparation and approval of plans and specifications shall conform to the Columbus County Water Policies.

(C) Materials and methods for construction of water system extensions shall conform to the Columbus County Water Distribution Standards.

(D) Reimbursement and cost sharing/participation shall comply with the Columbus County Water Policies.

**Section 32. Inclusive Terms**

Use of the masculine herein shall include the feminine and neuter and the singular shall include the

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plural.

## **Section 33. Governing Law**

All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

## **Section 34. Notice**

All notice required hereunder to be sent to the District shall be sent to the following designated address, or to such other address or addresses as may hereafter be designed by written notice of such change of address.

To County:  
Columbus County Public Utilities Department  
612 North Madison Street  
Whiteville, N.C. 28472

## **Section 35. Nondiscrimination**

District will take affirmative action not to discriminate against any applicant or otherwise illegally deny any person participation in or the benefits of the activities which are the subject of this document, because of race, creed, color, sex, age, disability, or national origin.

Effective Date: \_\_\_\_\_

**APPROVED and ADOPTED** this 1<sup>st</sup> day of February, 2010.

Signature: \_\_\_\_\_

**P. EDWIN RUSS**, Chairman  
Columbus County Board of Commissioners

Attest By: \_\_\_\_\_

**JUNE B. HALL**  
Clerk to the Board

**“Attachment A”**

## **Water Rate Schedule**

### **District I**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

### **District II**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District III**

1 <sup>st</sup> 2,000 Gallons	\$25.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District IV**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00

**District V**

1 <sup>st</sup> 2,000 Gallons	\$21.00
Every 1,000 Gallons Thereafter	\$ 4.00
Prison	
Every 1,000 Gallons	\$ 6.00

**Guideway School**

1 <sup>st</sup> 2,000 Gallons	\$22.00
Every 1,000 Gallons Thereafter	\$ 4.00

**\*\*\*\*\*THIS WATER FEE SCHEDULE IS CURRENT AS OF MARCH 2007. THIS IS SUBJECT TO CHANGE BY THE ACT OF THE PROPER AUTHORITY\*\*\*\*\***

**“Attachment B”****Application Fee**

	<u>During Construction</u>	<u>After Construction</u>
¾ Inch Meter	\$ 100.00	\$ 500.00
1 Inch Meter	\$ 450.00	\$ 750.00
2 Inch Meter	\$ 700.00	\$1,000.00

**Security Deposit**

Per Account	\$ 50.00
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**Late Payment Fee**

After Due Date	\$ 5.00
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**Delinquent Account Penalty**

Per Account	\$ 30.00
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**Reconnection Fee**

Per Account	\$ 30.00
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**Return Check Fee**

Per Check	\$ 25.00
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**Meter Testing Fee**

Per Meter

\$ 25.00

**Meter Tampering Fee**

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court. See Section 14-151.1 © of the North Carolina General Statute.

**14-151.1****CH.14****Criminal Law****14-151.1**

**14-151-1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters; unlawful reconnection of electricity, gas or water; civil liability.**

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity, gas or water or knowingly to use electricity, gas or water passing through any such tampered meter or use electricity, gas or water bypassing a meter provided by an electric, gas or water supplier for the purpose of measuring and registering the quantity or electricity, gas or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause such meter to inaccurately measure and register the electricity, gas or water consumed or which would cause the electricity, gas or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this diction by the person in whose name such meter is installed or the person or persons so using or receiving the benefits of such unmeasured, unregistered or diverted electricity, gas or water.

(B1) It is unlawful for any unauthorized person to reconnect electricity, gas or water connections or otherwise turn back on one or more to those utilities when they have been lawfully disconnected or turned off by the provider of the utility.

(B2) It is unlawful for any unauthorized person to alter, bypass, interfere with or cut off any load management device, equipment, or system which has been installed by the electricity supplier for the purpose of limiting the use of electricity at peak-load periods, provide, however, if there has been a written request to remove the load management device, equipment, or system to the electric supplier and the electric supplier has not removed the device within two working days, there shall be no violation of this section.

(C) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned not longer than two years, in the discretion of the court.

(C1) (Effective January 1, 1995) Any person violating any of the provisions of this section shall be guilty of a Class 1 Misdemeanor.

(D) Whoever is found in a civil action to have violated any provision hereof shall be liable to the

electric, gas or water supplier in triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

(E) Nothing in this section shall be constructed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards. (1977, c.735, s.1, -1983, c.508, ss.1, 2; 1989, c.119; 1983, c.539, s.89.)

Mr. McClary stated the following:

1. This is the first reading of the proposed changes that were discussed in our January 11, 2010 Workshop;
2. On Page 5, you will find the highlighted changes that have been made based on our discussion;
3. On Page 8, we have **added** Section 20.1 which is Procedures for Water Systems During Construction;
4. On Page 10, under Section 26 - Billing and Collecting, Paragraph (E) has been revised;
5. I have had one (1) request to add an additional sentence to that, that would basically state the following “**The account will not qualify for a waiver if a waiver has been given in the previous twelve (12) months**”, and with your approval, we will add this to the next reading;
6. On Page 13, under Section 30 - Classifications, Rates, Fees and Charges - See Attachment “A”, Paragraph (C) Tap-On Fees, we re-worded this, and in Paragraph (D), wording was changed from Re-Connect Fee to Delinquent Account Penalty;
7. You will find that same language on Attachment “B” which is Page 17, and that wording has been changed from Re-Connect Fee to Delinquent Account Penalty.

**Discussion:**

**Vice Chairman Byrd:** This is basically what we all agreed to at the January 11, 2010 Workshop.

**Commissioner Prevatte:** I don’t have a problem with this, but what I am saying is that the account could not be delinquent in the previous twelve (12) months in order to qualify for the waiver.

**Vice Chairman Byrd:** The twelve (12) month period would start from the start date of the **revised** policy approval, but not previous to this action.

**Kip McClary:** A word of caution on this issue, if this is the intent, then the wording needs to be clearly stated in the policy to prevent any misinterpretation.

**Commissioner McKenzie:** It was my understanding that all of the customers would start off clean with this policy.

**Kip McClary:** If this is done, you will have approximately eighty (80) customers that you will have to charge off automatically.

**Commissioner McKenzie:** This was not discussed. It was my assumption that we would start from that date and give all the customers a clean slate and move forward.

**Kip McClary:** That is why I recommended the issue of the rolling twelve - we calculate it from the day of.

Discussion was conducted on the intent of the rolling twelve system.

**Kip McClary:** I need to ask, what is the pleasure of the Board, do we wish to add this one (1) statement to Paragraph E, on Page 10, that the account will not qualify for a waiver, if the waiver has been given in the previous twelve (12) months?

**Commissioner Bullard:** I think we need to leave this one alone.

**Kip McClary:** Do we need to take a vote on this?

**Chairman Edwin Russ:** In two (2) more years, I think we will have two (2) new Board members, and you can't keep changing the policy due to new members being on board.

**Commissioner McKenzie:** We don't change policy until a situation occurs and when it is needed.

**Commissioner Gore:** I do not want to do anything that would jeopardize the solvency of the Water Districts.

**Commissioner Bullard:** Mr. Clark, what do you think of the changes?

**William S. Clark:** Our original recommendation was to stay with the policy the way it was. In some situations, if warranted, you do need to change a policy.

## **MOTION:**

Commissioner Bullard made a motion to leave the policy as is, seconded by Commissioner Gore.

**Commissioner Bullard:** Are we going to vote on all the changes in part or in whole?

**William S. Clark:** There are some added recommendations in the policy that are needed.

## **Withdrawal of Motion and Second:**

Commissioner Bullard withdrew his motion and Commissioner Gore withdrew his second.

After additional discussion was conducted, Commissioner Prevatte made a motion to approve the **revised** Uniform Rules for all Water Districts and Retail Water Facilities Operated by Columbus County Public Utilities, with the recommended changes, **on its first reading**, seconded by Vice Chairman Byrd.

A roll-call vote was taken with the following results:

**AYES:** Chairman Russ, Vice Chairman Byrd, Commissioners McKenzie, Prevatte and Norris; **and**

**NAYS:** Commissioner Bullard and Gore.

The motion passes on a five (5) to two (2) vote.

**ADJOURNMENT:**

At 8:13 P.M., Commissioner Prevatte made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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**GAIL E. EDWARDS**  
Executive Assistant

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**P. EDWIN RUSS, Chairman**