



# TOWN OF OAK RIDGE

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## MEMO

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To: Planning and Zoning Board  
From: Bill Bruce, Town Manager  
Re: Staff Comments- Text Amendments Related to Proposed Town Water System  
Date: August 16, 2019

Town staff continues to work with Envirolink, Inc., our contracted consultant, to prepare the necessary ordinances and policies to establish a Town water system based on community wells. Below please find a proposed amendment to the Development Ordinance to require subdivisions in excess of 30 lots to be served by community wells. The amendment also requires construction of these wells to Town standards, followed by dedication of the well and infrastructure to the Town. Proposed new language is highlighted. It is important to note that the following sections only apply to new subdivisions in excess of 30 lots. No existing individual wells or existing community wells will be impacted by this amendment.

Also attached for reference is a proposed amendment to Chapter 46 of the Town Code of Ordinances, which is presented to the Planning and Zoning Board for reference but does not require review or recommendation. Chapter 46 consists of the Town's Water System Ordinance, with a proposed amendment to remove reference to mandatory connections.

## Section 30-9 Definitions (7) General

*Community well system (private).* A system that provides groundwater to twenty-five (25) or more persons or has fifteen (15) or more connections and has not been deeded to the Town for operation as a public utility.

*Community well system (public).* A system that provides groundwater to twenty-five (25) or more persons or has fifteen (15) or more connections and has been deeded to the Town and is operated as a public utility.

### Sec. 30-863. - Utilities.

- (a) *Public water and sewer construction requirements.* Water and sewer lines, connections, and equipment shall be constructed in accordance with state and local regulations.
- (b) *Water and sewer connection.* Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 300 feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11" G.S. 130 A. Approval of the environmental health division shall be obtained after preliminary plat approval. The final plat shall show lots denied or not evaluated crosshatched and labeled "No improvement permit has been issued for this lot."
- (c) *Underground utilities.* Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the town council determines underground installation is inappropriate.
- (d) *Community Wells (Public) Required.* Community wells are required in all subdivisions of 30 dwelling units or greater. Community wells and their distribution systems shall be constructed by the subdivider and deeded to the Town upon completion. Community wells are encouraged in subdivisions of less than 30 dwelling units if feasible.
- (e) The subdivider shall provide individual utility connections for each lot within the subdivision. Each subdivision lot shall be provided a connection to a power supply, a connection to an approved water supply (*except individual wells*) and a connection to an approved sewage waste disposal system.
- (f) No permit for the construction of or placement of a building shall be issued in a subdivision until:  
A water supply system has been installed and approved (*except individual wells*)
- (g) No building within a subdivision shall be occupied until:
  - 1. A connection to a power supply is complete,
  - 2. A connection to an approved water system is complete,
  - 3. A connection to an approved sewage system is complete, and
  - 4. All required inspections are completed and final approvals given.

- (h) Potable Water: There shall be a safe, adequate, continuous and conveniently located potable water supply provided for each lot within a subdivision. Potable water supply shall be in compliance with the applicable edition of the North Carolina Plumbing Code.
- (i) When a public water system is not available or where capacity (and/or line size) is not sufficient for extension, individual wells, shared wells, or private community wells shall be installed, inspected, tested, approved and maintained in accordance with state and local regulations.
- (j) Dry lines may be required to be installed where public water supplies are anticipated soon after completion of the project.
- (k) Applications for public water supplies for new subdivisions shall contain:  
Calculations showing the maximum daily water usage of the development.
- (l) A certification shall be provided that the public water system will provide water to the development.  
Design standards, installation, connections, and approvals of all components of the water system shall be as required by the public water system.
- (m) Fire hydrants, where required, shall be installed in compliance with the North Carolina administrative, building, plumbing, and fire codes, local fire department requirements and other applicable local ordinances and standards.
- (n) *Utility easements.*
- (1) *Major subdivisions.* To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed 30 feet in width shall be provided. The location of such easements shall be reviewed and approved by the jurisdiction, with advice from utility providers, before final plat approval.
  - (2) *Minor subdivisions.* Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a 20-foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.
  - (3) *No buildings or improvements.* Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The jurisdiction shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.

## Chapter 46 Utilities

### ARTICLE I. - IN GENERAL

Sec. 46-1. - Unlawful to operate public enterprise without franchise.

When the Town of Oak Ridge operates a public enterprise as defined in G.S. 160A-311 or upon granting a franchise for the operation thereof, it shall be unlawful within the corporate boundaries of the Town of Oak Ridge for any person or corporate entity to operate such a public enterprise without first being granted a franchise for the operation thereof by the town.

(Ord. No. 2008-02, 9-2-2008)

Secs. 46-2—46-20. - Reserved.

### ARTICLE II. - WATER SYSTEM ORDINANCE

Sec. 46-21. - Short title.

This article shall be known and may be cited as the "Oak Ridge Water System Ordinance," except as referred to herein, where it shall be known as "this article."

(Ord. of 3-5-2015, § B)

Sec. 46-22. - Purpose.

It is the purpose of this article to promote the health, safety and general welfare of the citizens of the town by the establishment and operation of a town water supply and distribution utility system as a means of providing reliable water service to all the citizens of the town, coordinating the construction, control, and interconnection of neighborhood systems, and connecting all systems in the town with a permanent surface water supply source as such becomes available.

(Ord. of 3-5-2015, § B)

Sec. 46-23. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "*Town*" shall mean the Town of Oak Ridge, North Carolina.
- (2) "*Council*" shall mean the Town Council of Oak Ridge.
- (3) "*Water system*" and "*system*" shall mean the complete water supply and distribution system of the town, including all properties, facilities and funds, and shall include any water line owned, leased as lessee, or operated by the town or on behalf of the town.
- (4) "*Water department*" shall mean collectively those officials, employees and/or agents of the town invested by the council with authority over the system.
- (5) "*Main*" and "*water main*" shall mean those pipes, other than supply pipes and service pipes, used for conveying or distributing water.
- (6) "*Service stub*" shall mean a pipe tapped into a water main and extending thence to and including the shut-off valve at the property line.
- (7) "*Service pipe*" shall mean a pipe extending from the property line into premises supplied with water.

- (8) "*Premises*" shall mean a particular property connected to the system, including appurtenant land and improvements, as shown and identified in the current parcel listing and Geographic Information Services (GIS) records of the Guilford County Tax Department.

(Ord. of 3-5-2015, § B)

Sec. 46-24. - Rules of construction.

- (a) *Word interpretation.* Words not defined in this article shall be given their ordinary and common meaning.
- (b) *Rules of construction.* For the purposes of this article, the following rules of construction shall apply:
- (1) *Tense.* Words used in the present tense include the future tense;
  - (2) *Singular and plural.* Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise;
  - (3) *Mandatory meaning.* The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision;
  - (4) *Gender.* Words used in the male gender include the female gender; and
  - (5) *References.* Any reference to an article or section shall mean an article or section of this chapter, unless otherwise specified.

(Ord. of 3-5-2015, § B)

Sec. 46-25. - System operation.

- (a) *Ownership.* The town shall be the owner of the system. The water mains and all components of the system are under the exclusive control of the council, and all persons other than employees or agents of the council are forbidden to disturb, tap, change, obstruct access to, or interfere with the water mains or other components of the system in any manner. The council shall determine at any particular time the physically and fiscally appropriate extent of the system. The council may extend the system by combining with other water systems. The town may make purchases, undertake construction of improvements and enlargements, and make repairs to the system as needed. The town may collect charges, fees, rentals and establish rates for the services and facilities resulting from public improvements. Any person, firm or corporation installing water mains at their own expense shall first and before any construction submit to the town complete plans and specifications for such work prepared by a currently licensed North Carolina Civil Engineer, for approval and determination of reasonably necessary conditions for such installation by the council. Council may designate a person or persons to receive, review, and approve or deny such applications and provide for an appeal to the council from any denial thereof, pursuant to which council may uphold the denial, reverse the denial and grant the application, or remand the application to its designee for further consideration and action.
- (b) *Operation and maintenance.* The operation, maintenance, alteration, repair and management of the system shall be under the supervision and control of the council or its designee. The council shall retain the exclusive right to establish, maintain, and collect rates and charges for system operations. The council may employ such person(s) or firm(s) in such capacity or capacities, as it may deem advisable, and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, operation and maintenance of the system and the collection of rates and charges.
- (c) *Fiscal year.* The system shall be operated on the basis of a fiscal (operating) year commencing July 1 of each year and ending June 30 of the following year.

- (d) *Free service prohibited.* The system will not supply water to any person, firm or corporation without charge, except area fire departments.
- (e) *Meters.* All water service shall be metered. All meters shall be the property of the system. All meters shall be read monthly and at a reasonable time of day. In the event a user fails to provide access to an authorized town employee or agent for meter reading, the town in its discretion, either may issue the user a water bill based on the highest metered charge of a similar-type user in the town during the billing period in which access for reading the meter was denied or prevented, or discontinue such user's water service pending settlement of such billing and reconnection of such service as provided under the system rules.
- (f) *Access to premises.* Each user of the system must permit entry to an authorized town employee or agent for any required maintenance of the system. Failure on the part of any user of the system to permit entry upon the premises of authorized town maintenance personnel shall constitute authorization to the town by the user to immediately terminate the use of the system by the user. Any Rights of Way will be requested by the Town and granted by the user(s) as required.
- (g) *Maintenance and efficient operation.* The town will undertake reasonably necessary actions to maintain the system in good repair and working order, operate the same efficiently, and faithfully comply with applicable federal and state statutes, regulations, codes and requirements.
- (h) *Notice of users.* Where this article requires the giving of notice, such notice shall be deemed to have been given when it has been mailed by regular deposit with the United States Postal Service: (1) to the town addressed either to the Town of Oak Ridge in care of the town clerk, or to such other person or firm as the town may have designated in writing; and (2) to the user of the service addressed to the user at the premises to which service is being furnished or to such other mailing address as the user has provided in the user's account.

(Ord. of 3-5-2015, § B)

Sec. 46-26. - Service pipes and connections.

- (a) *Permits.* Before any new connection may be made to any water main or other component of the system, a permit application shall be submitted in writing to the town clerk by the owner of the premises to be served. No such connection shall be made until a tapping permit is issued therefor. The owner, user, and/or applicant for a water tapping permit shall agree to abide by all system rules and regulations of the town. All connections and piping must be inspected by the town or its employee or agent before being buried or otherwise covered and must meet all applicable state and local building code requirements.
- (b) *Rules and regulations.*
  - (1) Before receiving a permit for a service connection, all connection fees must be paid.
  - (2) The water service stub from the water main to the property line shall be maintained by the town. The service pipe from the meter to the premises is private plumbing and must be maintained by the owner of the premises.
  - (3) Service pipe installation shall be the responsibility of the property owner and must meet the requirements of all applicable state and local building code requirements and all system rules.
  - (4) Water shall be taken and used only through water service pipes under the supervision of the town, and no connection through which water may pass from one property or premises to another shall be permitted, regardless of co-ownership of both properties or premises by the same user.
  - (5) A property or premises under single ownership and occupied by two households or businesses may be served by a single billing account and a single meter. A property or premises occupied by more than two households and/or businesses shall be served by separate billing accounts

and separate meters for each such household and/or business. In multiple meter installations, no master meter will be allowed.

- (6) In the event a property originally occupied by a single building or premises and fitted with one service pipe, but capable of being divided by sale or otherwise, has been or may be subdivided and each subdivision shall be separately owned, the resulting separate division or divisions and resulting premises each must be reconnected to the water main by separate service pipes within 30 days after such division.
- (7) Where the authorized agent of the town council for any reason has disconnected the water supply to a premises, only the town's authorized personnel shall return to reconnect the water supply. Reconnection by any other person is prohibited.
- (8) All cross-connections between any type of water supply and the system are prohibited. Discovery of any cross-connection shall result in the immediate disconnection of the affected water supply account(s), pending severance of the cross-connection by the person(s) responsible therefor and/or the owner of the premises.
- (9) No person, firm or corporation shall open or cause to be opened any fire hydrant connected to the system.
- (10) Installation charges for the service stub and meter shall include the cost of the water meter, and the water meter shall be and remain the property and solely under the control of the town. The town will furnish the meter couplings or flanges. The maintenance of the meter will be the obligation of the town, provided that where replacements, repairs or adjustments of the meter are made necessary by the act, neglect or carelessness of the owner or occupant of any premises, the resulting expenses for repair may be charged against and collected from the owner or occupant of the premises as an additional charge on the affected water service billing. The town may elect to install meters with outside readers and increase charges to cover the additional cost.
- (11) If a meter fails to function as designed or to accurately register water usage, the service account holder shall be charged for the average quarterly consumption, as shown by the meter when in order.
- (12) Interference with, removal, relocation of, or removal or breaking of any seal on, a water meter, after placement in service in the system, without the express authorization of the town, is prohibited.

(Ord. of 3-5-2015, § B)

Sec. 46-27. - System rates and charges.

- (a) *Authority.* The council shall fix rates for water and water service furnished customers of the system. Said rates and charges shall be sufficient to provide for the payment of all expenses of administration, operation, maintenance, repair and improvement of the system as may be necessary to keep the system in good working order. The schedule of system rates and charges, other than water consumption rates as provided for below, shall be revised or amended by ordinance or resolution from time to time by the council.
- (b) *Minimum service charge.* The owner of each premises or property which is connected to the system, and for which a service connection is ready for immediate use, shall pay a minimum service charge for each service. Minimum service charges and consumption rates shall be set forth in the town's service rate table. Should a property owner elect to provide service to an unimproved property which uses no water, the minimum fee shall be the same as the minimum service fee. ~~This fee shall be applied toward debt service if applicable or the system's general fund.~~
- (c) ~~*Required connection.* An owner of developed property within the town limits, on which there are situated one or more residential dwelling units or commercial establishments, and any perimeter line of which is located within 100 feet of any main carrying surface water as part of the system, shall connect such developed property to the system within 60 days after such connection becomes available. The council may, in its discretion, grant appropriate relief from connection hereunder upon a showing by the owner of compelling reasons for failure to meet the 60-day time limit. In lieu of requiring connection under this subsection and in order to avoid hardship, the town may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. New construction must connect before a certificate of occupancy will be issued.~~
- (d) *Water consumption rates.* A minimum service charge shall be established and contained in the town's service table, including charges for each gallon of water used. The services rate table shall be reviewed, revised as necessary, and adopted each budget year by the council and shall be available for public inspection in the town clerk's office at Town Hall.
- (e) *Temporary connections.* All temporary connections shall be billed at the rate contained in the town's service rate table.
- (f) *Connection charges.* Connection charges shall be paid in advance of regular water service.
- (g) *Reconnection charges.* In the event of disconnected of water serviced as provided in this article, whether requested by the user or required as a result of delinquency in payment or otherwise, a reconnection charge will be charged and collected before reconnection and resumption of service. The reconnection charge shall be set forth in the town's service rate table.

(Ord. of 3-5-2015, § B)