

# CHAPTER 51: WATER

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### *Cross-reference:*

For provisions concerning wells, See Ch.154

**GENERAL PROVISIONS**

**§51.01 RESTRICTING DRAINAGE DITCHES.**

(A) It is dangerous and prejudicial to the public health to alter, restrict or impede the flow of water in drainage ditches, creeks, streams, rivers and other water courses.

(B) No drainage ditch, creek, stream, river or other water course shall henceforth be blocked or filled in to any degree with any substance or device whatever such that the flow of water toward natural creeks, rivers and water bodies is restricted or impeded except by a written permit issued by the Board of Commissioners. No permit shall be issued except after a public hearing after ten days notice on the questions whether the proposed restriction or impediment would result in possible harm to the public health.

**INSTALLATION AND CONNECTION OF WATER LINES**

**§51.10 RESPONSIBILITIES AND LIABILITIES OF COUNTY.**

(A) The county shall, when it elects to do so, install a water service line from its distribution line to the property line, for which a tap-on fee in effect for each size of meter will be charged.

(B) The county may install its meter at the property line or, at the county's option, on the owner's property or in a location mutually agreed upon.

(C)The county does not assume responsibility for inspecting the property owner's piping or apparatus and will not be responsible therefore.

(D) The county reserves the right to refuse service unless the property owner's lines or piping are installed in such manner as to prevent cross-connection or backflow.

(E) The county shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the owner's premises. The county shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumer's premises. The county shall not be responsible for negligence of third persons or forces beyond the control of the county resulting in any interruption of service.

(F) Under normal conditions, the consumer will be notified of any anticipated interruption of service.

**§51.11 RESPONSIBILITIES AND LIABILITIES OF PROPERTY OWNERS AND/OR CONSUMERS.**

(A) Piping on the property owner's premises must be so arranged that the connections are conveniently located with respect to the county's lines or mains.

(B) When a meter is placed on the premises of a property owner, a suitable place shall be provided by the owner for placing such meter, unobstructed and accessible at all times to the meter reader.

(C)The owner shall furnish and maintain a private cutoff valve on the owner's side of the meter, and the county shall provide a like valve on the county's side of such meter.

(D) The owner's piping and apparatus shall be installed and maintained by the owner at the owner's expense in a safe and efficient manner and in accordance with the county's rules and regulations, and in full compliance with the sanitary regulations of the State Board of Health.

(E) The owner shall be responsible for the county's property placed on the owner's premises and shall permit access to such property only by authorized representatives of the county.

(F) In the event of any loss or damage to the property of the county which is caused by or

results from the negligence or wrongful act of the owner, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the owner to the county, and any liability otherwise resulting shall be assumed by the owner. The amount of such loss or damage or the cost of repairs shall be added to the owner's bill, and if such charges are not paid, service may be discontinued by the county.

**§51.12 PROHIBITED CONNECTIONS, INSPECTION OF PROPERTY.**

(A) It shall be unlawful for any person to connect by any means whatever or allow to be connected to the Dare County Water Supply System (hereinafter called "system") or any water distribution line serviced thereby any other source of water supply.

(B) The County Water Superintendent or a designated water department employee may inspect at reasonable times and without prior notice any property serviced by the system in order to determine that no prohibited connection exists.

(C) Violations of this section shall be punishable as provided by law.

**§51.13 UNAUTHORIZED CONNECTIONS TO WATER SYSTEMS.**

(A) It shall be unlawful for any person other than an authorized agent or employee of the Dare County Water System to connect to that water system any hose, pipe, or other apparatus for the purpose of an unauthorized withdrawal of water from that system.

(B) It shall be unlawful for any person other than an authorized agent or employee of the owner of a water system to tamper with a water hydrant or withdraw water from a water hydrant for any purpose not approved by the Dare County Water System.

(Sess. Law, 1983, Chapter 967, §1)

**§51.14 INTRODUCTION OF PROHIBITED WATER OR SUBSTANCES INTO SYSTEM.**

(A) It shall be unlawful for any person except duly authorized personnel of the County Water Department to introduce water or any other substance into the system.

(B) Violations of this section shall be punishable as provided by law.

***WATER SERVICES***

**§51.20 CLASSIFICATIONS OF SERVICES.**

All water services are classified as follows:

(A) Residential including: schools and churches.

(B) Commercial users.

**§51.21 APPLICATION FOR SERVICE.**

(A) Water service will be supplied only to those who have applied and paid the appropriate tap-on fee.

(B) Customers will make application for service in writing on the proper forms, delivered to the appropriate water distribution billing office, and shall pay the required fees and deposits.

(C) The county may reject any application for service not available under a standard rate, or which involves excessive service cost, or which may affect the supply of service to other customers, or for other good and sufficient reasons, in which case the tap-on fee and deposit will be refunded.

(D) The county may reject any application for service when the applicant has a then delinquent water account for services previously supplied at any location.

**§51.22 DISCONTINUATION OF SERVICE;  
CHANGES IN OCCUPANCY.**

(A) Not less than three days' notice must be given, in person or in writing, at the Water Department office for discontinuing service or for a change in occupancy.

(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 longer.

**§51.23 SUSPENSION OF SERVICE.**

(A) Upon discontinuance of service, the deposit will be applied by the county toward settlement of the account, and any balance will be refunded to the consumer. However, if the deposit is not sufficient to cover the bill, the county may proceed to collect the balance in the usual way provided by law for the collection of debts.

(B) Service discontinued for nonpayment of bills will be restored only after bills are paid in full, redeposit made and a service charge paid for each meter reconnected.

(C) The county reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse.
- (2) Owner's willful disregard for the county's rules.
- (3) Emergency repairs.
- (4) Insufficiency of supply due to circumstances beyond the county's control.
- (5) Legal processes.
- (6) Direction from public authorities.
- (7) Strike, riot, fire, flood, accident or any unavoidable cause.

(E) The county may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

**§ 51.24 COMPLAINTS AND  
ADJUSTMENTS.**

(A) (1) If a water consumer believes his bill to be in error, he shall present his claim in person at the Water Department office before the bill becomes delinquent.

(2) Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as provided in § 51.23 above. The consumer may pay such bill under protest, and such payment shall not prejudice his claim.

(B) The county will, for a fee, make special meter readings at the request of the owner; however, if such special reading discloses that the meter was over read, no charge will be made.

(C)The county will, for a fee, test the meter at the request of the owner, however, if the meter is found to over-register beyond five percent of the correct volume, no charge will be made.

(D) If the seal of a meter is broken by other than the county's representative or if the meter fails to register correctly or is stopped for any cause the consumer shall pay an amount estimated from the record of his previous bills and/or from other proper data.

(E) A payment plan may be available for water leak adjustment bill in excess of \$500.00 upon written request.

**§51.25 PROMISES OR AGREEMENTS  
NOT BINDING FOR SERVICE.**

No promise, agreement or representation of any employee of the county relative to county water service shall be binding upon the county, except when agreed upon in writing, signed and accepted by the acknowledged representative of the county.

*EXTENSIONS*

**§51.35 PROCEDURE FOR EXTENSIONS TO UNDEVELOPED SUBDIVISIONS.**

Water distribution lines to serve undeveloped subdivisions will be handled as follows:

(A) The developer will submit plans for reviews and approval by the county, its engineers and the State Board of Health.

(B) The developer will install the lines in accordance with the approved plans.

(C) Upon completion and approval by the county of the new extension, the developer will deed the complete facility, to include all right-of-way, easements, permits, franchises and authorization or other instruments needed for the operation and maintenance of the facility, to the county. The county will not reimburse the developer for the extension.

**§51.36 EXTENSIONS WITHIN COUNTY’S SERVICE AREAS; ASSESSMENTS**

Extension of water lines within the county’s service areas will be handled as follows:

(A) The plans for the extension will be submitted for review and approval by the county, its engineer and the State Board of Health.

(B) The lines will be installed in accordance with the approved plans.

(C) Prior to or upon completion for the new extension, all rights of way, easements, permits, franchises and authorizations or other instruments needed for the installation, operation and maintenance of the facility will be deeded to the county. The cost involved in the new extensions shall be paid by the person requesting the extension, or , at the discretion of the Board of Commissioners, the extensions can be specially assessed pursuant to Article 9, Chapter 153A of the North Carolina General Statutes.

**§51.37 EXTENSIONS OF TRANSMISSION MAINS.**

Extension of transmission mains may be handled as follows:

(A) The plans for the extension will be submitted for review and approved by the county, its engineer and the State Board of Health.

(B) The county shall determine the economic feasibility of the extension, in addition to the engineering feasibility. If the extension is not projected to create income in excess of operation and maintenance costs, the extension shall be deemed not to be economically feasible.

(C) If it is determined by the county that the extension is economically feasible, the line shall be installed in accordance with the approved plan (approved plans for transmission mains need not include the fire hydrants; however, all distribution systems shall include properly spaced fire hydrants).

(D) Prior to or upon completion of the new extension, all rights-of-way, easements, permits, franchises and authorization or other instruments needed for the installation, operation and maintenance of the facility will be deeded to the county.

***FEES AND CHARGES***

**§51.45 DEPOSIT FOR WATER SERVICE.**

(A) Water accounts and deposits shall be in the name of the property owner. The property owner shall be responsible for payment of all bills incurred in connection with the service furnished.

(B) A water deposit will be based on the size of the meter. Interest will not be paid to customers on their water deposit.

(C) A separate deposit is required for each meter installed.

(D) The deposit receipt is not negotiable and may only be redeemed at the Water

Department office. When the county finds that a request for a refund is questionable, the county may require the applicant for such refund to produce a properly endorsed receipt.

(E) Deposits are not refundable until discontinuance of service. Deposit in excess of the final bill will be refunded to the customer.

(F) In the event of an owner of property has taken legal action to evict a tenant from owner's property and the tenant is a customer of the Dare County Water System, the County will honor a request from the owner to discontinue service to the leased premises unless the tenant posts a sufficient water security deposit with the County to be used to pay any outstanding water account incurred by the tenant during the pendency of the legal action.

#### **§51.46 INITIAL OR MINIMUM CHARGE; WATER TO BE USED ONLY ON LOT FOR WHICH REQUIRED.**

(A) The minimum charge, as provided in the rate schedule, shall be applied to each water meter installed.

(B) Water furnished for a given lot or parcel shall be used on that lot or parcel only.

(C) Each residential or commercial structure will require a separate meter.

#### **§51.47 APPLICATION FEES FOR SERVICE.**

Application fees for service shall be as set out in fee schedules adopted from time to time by the Dare County Board of Commissioners.

#### **§51.48 RATE SCHEDULE**

Water rates shall be set out in fee schedules adopted from time to time by the Dare County Board of Commissioners.

#### **§51.50 METER READINGS; BILLING; DELINQUENT BILLS AND PENALTIES.**

(A) Water meters will be read and bills rendered quarterly, on or about March 1, June 1, September 1 and December 1, but the county reserves the right to vary the dates or length of period covered, temporarily or permanently, if necessary or desirable.

(B) Bills for water will be figured in accordance with the county's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.

(C) Charges for service commence when a meter is installed and a connection made, whether used or not. Sixty days may be allowed for installation of the water meter.

(D) Readings from different meters will not be combined for billing. There will be a separate bill for each meter.

(E) Initial bills are due and payable upon receipt and become delinquent 20 days thereafter, whereupon a penalty will be added and service may be discontinued by the county.

(F) Accounts that remain delinquent shall have service discontinued. Service will be restored only after bills are paid in full, redeposit made and a service charge paid for each meter reconnected.

(G) Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.

(H) A service charge will be assessed for all returned checks. After two returned checks, a customer may be required to pay bills by cash, money order or certified check.

(I) Bills to be paid by Dare County Social Services for emergency relief for customers shall not be subject to disconnection policies.

***ADMINISTRATION***

**§51.60 ACCESS OF COUNTY TO  
CONSUMER'S PREMISES.**

(A) Duly authorized agents for the county shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing county property, inspecting piping, reading or testing meters or for any other purpose in connection with the county's water service and facilities.

(B) Each property owner shall grant or convey or shall cause to be granted or conveyed to the county a perpetual easement and right-of-way across any property owned or controlled by the owner wherever such perpetual easement and right-of-way is necessary so as to be able to furnish water service to the owner.

**§51.61 MODIFICATIONS OF RATES,  
RULES OR REGULATIONS.**

No modification of water rates or any of the rules and regulations shall be made by any agent of the county.