

THIS IS AN ORDINANCE limiting the drilling or operation of wells in the Town of Pine Level.

WHEREAS, the Town of Pine Level runs and operates a water supply distribution system pursuant to Article 16 of Chapter 160(a) of the North Carolina General Statutes; and

WHEREAS, said water supply. and distribution system is based on the Town obtaining water from a well system which could be unfavorably drained or otherwise affected by commercial wells tapping and draining the fields of water under the Town of Pine Level which supplies water to the town; and

WHEREAS, the Town as a whole has based its water supply and distribution system including its fire protection upon obtaining the water from the well within the Town of Pine Level; and

WHEREAS, the Town desires to protect its water supply and distribution system from competition with or drainage from other commercial wells within the Town of Pine Level.

NOW, THEREFORE, be it ordained by the act of the Board of Commissioners of the Town of Pine Level, State of North Carolina, as follows:.

1. Any corporation, individual or business entity operating a business or commercial enterprise, whether for profit or not for profit, shall be heretofore prohibited from drilling a well within the town limits of the Town of Pine Level for use in said enterprise.

The penalties for violation of this ordinance:

1. Any person (including any responsible officer or employee of a corporate violator) who willfully or negligently violates any provisions of this ordinance, or falsifies any, information or data in any application, report, or other document given to the Town under this Article, shall be guilty of a misdemeanor, and shall be punishable by fine not to exceed thirty (30) days, or both, in the discretion of the Court.

2. Any person (including any corporation) who violates any provisions of this ordinance shall, in addition to the criminal penalties as outlined above, be subject to the imposition by the Board of Commissioners of a civil penalty payable to the Town not to exceed Five Thousand Dollars (\$5,000.00) for each violation, and, in addition, shall reimburse the Town upon demand for any expense, loss or damage actually sustained by the Town to its water distribution and well system or substained due to the inability of the Town to provide adequate water.

Such civil penalty shall be assessed only after the Town shall have given the alleged violator notice in writing of the alleged violation. Such notice shall notify the alleged violator

that a hearing before the Board of Commissioners will be held at a designated time and place not more than ten (10) days after the date the notice is sent to the alleged violator. At such hearing, the Town Board shall hear evidence from the Well Water Distribution System Superintendent, consulting engineers, and any other appropriate officials regarding the alleged violation and shall also hear evidence from or offered by the alleged violator regarding the alleged violation. After hearing such evidence, the Town Board shall make appropriate findings of fact and conclusions of law regarding the alleged violation and shall determine whether or not a civil penalty is to be assessed against the alleged violator. If a civil penalty is deemed appropriate, the Town Board shall have authority to assess a civil penalty against the alleged violator in the amounts provided above.

The Town Clerk shall notify the alleged violator by certified mail the decision made by the Town Board within ten (10) days of such decision, including a copy of the decision setting forth the findings of fact and conclusions of law as made by the Town Board of Commissioners.

After receiving notice of the Town Board's decision, the alleged violator shall have the right to appeal that decision to Johnston County Superior Court and any act on the part of the Town to collect such imposed civil penalty shall be stayed until a decision is either upheld or reversed by the Superior Court.

If the alleged violator does not appeal the decision of the Town Board within ten (10) days after receipt of the same, then the civil penalty assessed shall become due and payable within thirty (30) days. Failure to pay the assessed penalty shall result in termination of water and well distribution services; and, in the case when the user owns the premises, alien will be placed upon the alleged violator's property located in Johnston County. The Town shall have the authority to begin a civil action in the nature of the debt to recover the civil penalty imposed by the Town.

This Ordinance shall become effective from and after the date of its adoption.

Adopted this 7th day of June, 1988

Rudolph Jones, Mayor

ATEST:
Sharon Thompson, Town Clerk

Approved As to Form:
Robert A. Spence, Jr. Town Attorney



**ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS
FOR THE WATER SYSTEM OF THE
TOWN OF PINE LEVEL, NORTH CAROLINA
Adopted December 3, 1957**

Section 1.

The following, except as hereinafter provided, shall be the schedule of monthly charges for water services furnished by the water system of the Town of Pine Level, North Carolina, to wit:

First 3000 gallons or fraction thereof	\$2.50
Next 5,000 gallons or fraction thereof	\$.60 per 1,000 gallons
Next 7,000 gallons or fraction thereof	\$.50 per 1,000 gallons
Next 10,000 gallons or fraction thereof	\$.40 per 1,000 gallons
All over 25,000 gallons	\$.30 per 1,000 gallons

Section 2.

a. That the rental for private fire hydrant service, where such hydrants are connected to water mains of four inches in diameter and larger (said service to include the water consumed in the proper use of such fire hydrant, without additional charge therefor), shall be \$50.00 per year for each such fire hydrant. This rental shall be due and payable at the end of each year.

b. That the charge for service rendered by the system to each automatic sprinkler system (said service to include the water consumed in the proper use of such system, without additional charge therefor) shall be at the rate of \$2.50 per month for up to 100 sprinkler heads, plus an additional monthly charge of \$.01 for each sprinkler head in excess of 100. Such charge or rental shall be due and payable at the end of each month during which automatic sprinkler system service has been available or has been rendered.

Section 3.

That no water or fire protection service shall be furnished or rendered free of charge to any person, firm or corporation.

Section 4.

That all water meters shall be read monthly to the nearest 100 gallons and bills rendered monthly based on such reading. All bills shall be due and payable from and after the date such bills are rendered, at the office of (designated official) or other designated person, during the regular hours of business.

Section 5.

That in the event any meter shall be found to be inoperative at the end of any given billing period or to be faulty or inaccurate for any reason, the meter will be replaced or repaired as soon as possible, and the bill for water used during the current period shall be the average of the last three monthly bills.

Section 6.

That if any bill for water service shall be and remain due and unpaid for as long as 15 days after rendition, there shall be an additional charge of 10 per centum added thereto.

Section 7.

That if any bill for water service shall be and remain past due and unpaid for as long as thirty days, water service to such delinquent customer shall be disconnected and shall not be re-connected until all past due bills are paid in full, together with a re-connection charge of \$3.50. It shall be the duty of (designated official) to notify the operator of the water system of such delinquency, who shall proceed immediately to the premises of the customer so in arrears and disconnect service.

Section 8.

a. That for each connection to the water mains during the original construction period of the system and before operation is undertaken, the person or firm applying for service shall pay to (designated official) a tapping or connection fee as follows:

1. For domestic customers (3/4 x 5/8 meter) \$ none
2. For all other: actual cost of labor and materials

b. After the system has been placed in operation, the tapping or connection fee shall be:

1. For domestic customers (3/4 x 5/8 meter) \$ 75.00
2. For all others: actual cost of labor and materials

Section 9.

That each customer shall, before connecting with the system, obtain a permit therefor from the (designated official) and shall deposit \$5. 00 as security for the prompt payment of

all accounts of the subscriber with the system, which deposit shall be returned to the subscriber upon termination of the services, if all charges due the system have been paid but in the event that the subscriber becomes in arrears in such charges, then such deposit shall be used in whole, or in part, in liquidation of same, and the deposit by the subscriber shall be his consent to such use in such an event. All such deposits shall be retained in a separate account to be accounted for at the termination of service, except in the case of a subscriber becoming in arrears in charges, at which time the deposit may be withdrawn from the special account and applied to the payment of the delinquent charges. AMENDMENT: Provides however that the making of deposit may in the discretion of town officials be moved in case of owner occupied properties who have already made good faith deposit of \$10.00 and deposit on renter shall be \$5.00.

Section 10.

That it shall be unlawful for any person or persons to tamper with or change any water meter, or to make any connection to the system without permission from the (designated official) or to re-connect service, when it has been disconnected for non-payment of a bill for service, until such bill has been paid in full, including the re-connection fee. Upon conviction, there shall be a fine imposed of not less that \$10.00 nor more than \$50.00.

Section 11.

That all plumbing, including pipes, valves, fittings and interior fixtures shall conform to the Plumbing Code and meet the applicable minimum health and sanitation standards of the state and city.

Section 12.

That since the issuance and sale of the Town of Pine Level Waterworks Bonds of 1956 is partly predicated upon a covenant by the Town of Pine Level, North Carolina to maintain rates for the service provided by the water system as shall produce income and revenues sufficient to pay the reasonable cost of operation and maintenance of said system and to pay the principal of and interest on said bonds punctually and promptly as the same shall become due, and to maintain a reasonable reserve therefor, the rates in this ordinance shall not be changed to the extent that the covenant above referenced to will be impaired or adversely affected.

Adopted this 3rd day of December 1957, upon motion by Tommie Garner and second by R. E. Oliver.

SUBSEQUENT ACTIONS:

February 4, 1958

Anyone who has deposit on present water system and will not be a user forfeits his right, and decides he wants water after water has been installed; fee will be \$75.00

March 10, 1958

Make property owner responsible for water bill for 6 months.

April 10, 1958

Leave off pipe in block of Crocker Street between Peedin Avenue and Church Street. Charge \$1.00 for turn on fee after water is available.

May 6, 1958

Send letter to persons who have not paid \$10.00 on water meters.

July 4, 1958

Anyone caught within waterworks facilities, on or climbing water tank, will be fined, not less than \$35.00 or more than \$50.00 for each offense.

Two houses hooked up to one meter, each house will pay \$5.00 deposit and pay flat rates of \$2.50 for 6,000 gallons of water and remainder of water used will be divided between occupations and each house billed separately.

July 14, 1958

Take \$40.00 deposit for water meter if no refund is desired. This will be effective until day water is cut on.

August 5, 1958

Instructed clerk to send bill to post office each month whether they hook up to meter or not. Instructed clerk to send letter to each customer stating that their water pump must be disconnected from the town water system.

September 2, 1958

Those who have not hooked up to the water lines are not compelled to pay water bill (flat rate) unless they want to.