

TITLE V: PUBLIC WORKS

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CHAPTER 50: GARBAGE AND REFUSE

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§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or wrappings therefor.

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

REFUSE. All non-putrescible wastes.

SOLID WASTE. Garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

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TREE TRIMMINGS. Tree limbs, leaves, shrubbery, trimmings and cuttings and all other trimmings from the natural growth of trees, shrubbery, weeds, plants or grass.
(Prior Code, § 9.31)

§ 50.02 RECEPTACLES FOR GARBAGE AND REFUSE TO BE PROVIDED.

All householders and proprietors of business houses shall provide receptacles for all garbage and refuse for removal by the Sanitary Department or contractor.
(Prior Code, § 9.32) (Am. Ord. passed - -)

§ 50.03 USE OF RECEPTACLES REQUIRED.

It shall be unlawful for any person to place in or on any street, sidewalk, alley, public highway or any private premises any rubbish, dirt or filth of any kind, or any vegetables, fruit peels, tin cans or any other substance or refuse matter of any kind whatsoever which would render the streets and premises unclean, except in proper receptacles accessible to collection vehicles.
(Prior Code, § 9.33) (Am. Ord. passed - -) Penalty, see § 10.99

§ 50.04 TYPE AND NUMBER OF RECEPTACLES PRESCRIBED.

Garbage shall be stored in a container of a type approved by the sanitarian or trash collector. Every container shall be constructed of metal, or equally durable material, in a manner as to be strong, water-tight, not easily corrodible, fly-proof, and rodent-proof; shall have handles designed for lifting; and shall have fly-tight covers which shall be kept in place at all times, except when garbage or other refuse is being deposited in or removed from the container. If 1 receptacle is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided.

(Prior Code, § 9.34) (Am. Ord. passed - -)

§ 50.05 CONTAINERS TO CONFORM.

It shall be unlawful for any person to maintain boxes, bins or any type of container located on the sidewalks within the fire district of the town, inconsistent with the provisions of this chapter.
(Prior Code, § 9.35)

§ 50.06 PLACING RECEPTACLES FOR COLLECTION; GENERALLY.

(A) *Duty.* It shall be the duty of each householder or proprietor of a business house to see that all garbage and refuse receptacles and the contents, are set out at a place and time as may be fixed by the Board and to remove the receptacles after collection.

(B) *Town employees not to assist.* No employee of the town shall assist in any way in the performance of what has herein been set out as the duty of the landlord, tenant or storekeeper.
(Prior Code, § 9.36)

§ 50.07 MANNER OF PLACING GARBAGE, TRASH AND REFUSE FOR COLLECTION.

(A) *Location.* In the placement of garbage, trash, empty cartons, paper and other refuse for pickup and collection it shall be unlawful to place the same, except immediately adjacent to the gutters or curbing of the sidewalks.

(B) *Use of water tight containers.* All liquid substances shall be in watertight containers.

(C) *Use of heavy duty plastic bags, and the like to prevent scattering.* All garbage, trash, paper and other refuse must be placed in plastic bags or in water tight containers to prevent the same from being scattered upon the streets by wind or from other causes. Empty cardboard boxes may be placed for pick-up providing they are properly weighted to prevent scattering. Loose refuse in bins in back of any business is prohibited. Refuse, with the exception of cardboard boxes, must be placed in plastic bags or containers. The town shall not provide collection of building material scraps or tree trimmings unless they are fully contained in a proper container.
(Prior Code, § 9.37)

(D) *Excessive weight.* Receptacle or containers shall not be of excessive weight and must be of a weight to be handled by 1 person.
(Am. Ord. passed - -) Penalty, see § 10.99

§ 50.08 REMOVAL OF RECEPTACLE FROM CURB.

It shall be the duty of the landlord, tenant or storekeeper not to allow receptacles to remain on the street line or sidewalk for a period longer than 12 hours after the same is emptied by the Sanitation Department.
(Prior Code, § 9.38) (Am. Ord. passed - -)

§ 50.09 FREQUENCY OF COLLECTION.

Garbage and refuse set out for collection as provided in this section shall be collected at the times as may be provided by the Board.

(Prior Code, § 9.39) (Am. Ord. passed - -)

§ 50.10 EXCESSIVE MATERIAL.

The town shall not provide collection of excessive amounts on a regular basis, and any residence, firm, business, or other entity which regularly produces in excess of 4 cubic yards per collection shall be required to provide for the prompt removal by other means.

(Prior Code, § 9.40) (Am. Ord. passed - -)

§ 50.11 BURNING OR BURYING GARBAGE AND REFUSE REGULATED.

It shall be unlawful to burn or set fire to or bury any garbage for the purpose of disposal unless a permit therefor has been granted by the Fire Chief.

(Prior Code, § 9.41) Penalty, see § 10.99

§ 50.12 UNLAWFUL TO DISPLACE CONTAINERS.

It shall be unlawful for any person to damage, displace, or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.

(Prior Code, § 9.42) Penalty, see § 10.99

CHAPTER 51: SEWERS

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COLLECTION AND DISPOSAL FACILITIES**§ 51.01 CLASSIFICATIONS OF SEWER SERVICE.**

Sewer services shall be in either of the following categories:

(A) *Residential (benefitted)*. Those individual sewer connections supplied by a 5/8-inch by 3/4-inch water meter (or pre-existing meters on residential services as large as 1-inch size), plus multi-residential users, mobile home parks, duplex apartments, and the like, served through a single large meter.

(B) *Commercial (non-benefitted)*. Those sewer connections supplied by meters larger than 5/8-inch by 3/4-inch, except for the larger pre-existing individual residential meters up to 1-inch size and the multi-residential master metered connections.
(Ord. passed 4-28-1993)

§ 51.02 SEWER RATES AND TAP-ON FEES.

Sewer charges will be based on water consumption determined by methods indicated in the rate schedules for residential and commercial users, except as may otherwise be provided in the town's Sewer Use Ordinance.

(A) *Residential (benefitted) sewer rates*. Sewer charges will be based on actual water consumption as metered by the town.

(1) *In-town rate*.

(a) Multi-residential users, such as mobile home parks, duplex apartments, and the like, served through a single large meter will be billed at regular residential rate.

(b) The in-town sewer use rates are on file at the office of the Town Clerk and are incorporated herein by reference.

(2) *Out-of-town rate*. The out-of-town sewer use rates are on file at the office of the Town Clerk and are incorporated herein by reference.

(B) *Commercial (non-benefitted) sewer rate schedule.*

(1) Sewer charges for commercial customers will be determined by 1 of the following methods:

(a) Method 1: Water consumption as billed by the town for all water.

(b) Method 2: Water consumption billed for only the portion of water which is returned to the sanitary sewer. In this case, a separate water meter for process or consumptive uses is required, and a representative of the town shall make periodic inspections to insure that all water entering the sewer flows through the proper meter. The customer shall be responsible for all modifications to and positive identification of all piping as required to facilitate inspection by the town.

(c) Method 3: Actual flow into the sanitary sewer at the point of connection. The customer shall install and maintain a sewage flow measuring and totalizing device which is to be located at the customer's point of connection to the town's collection system. The type and manufacturer of the device shall be approved by the town prior to installation. The flow measuring and totalizing device shall be installed on the customer's property, and full access shall be provided to the town for inspecting and monitoring the device. The customer shall have the calibration of the device checked annually and a certified letter confirming calibration sent directly to the town by a firm which is qualified to perform the services. In the event of failure of the customer's flow measuring and totalizing device, the sewer charges will be estimated using past sewer and water billing records for 1 billing period only. Afterward, sewer charges will be based on the water consumption until the customer's meter is repaired.

(2) The commercial (non-benefitted) sewer user rates are on file at the office of the Town Clerk and are incorporated herein by reference.

(C) *Tap-on fees.* Sewer tap-on fees are on file at the office of the Town Clerk and are incorporated herein by reference.

(Ord. passed 4-28-1993)

§ 51.03 APPLICATION FOR SERVICE.

(A) Service will be supplied only to those who are residents of the town or to outside customers who have applied for and have received approval from the town. It is understood that service to prospective customers will be provided only where collector sewers are readily available.

(B) To be eligible for sewer service, applicants must be a customer of the town's water system or agree to become a customer. Only 1 sewer service connection will be furnished for each water meter.

(C) Users shall make application for sewer service, in person, at the Town Hall, and at the same time shall make the deposit as may be required below.

(D) The town may reject any application which involves excessive service cost, or which may affect the service to other customers, or for other good and sufficient reasons, in which case the deposit will be refunded.

(E) The town may reject any application for sewer service when the applicant is delinquent-in payment of bills incurred for water or sewer service previously supplied at any location, provided that when the owner of the premises has been furnished water and has not paid for water and/or sewer service, the town shall not be required to render service to anyone at the location where the water was used until the water and/or sewer bill has been paid.

(Ord. passed 4-28-1993)

§ 51.04 DEPOSIT.

(A) Sewer deposit rates are on file at the office of the Town Clerk and are incorporated herein by reference.

(B) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

(C) Refunds of deposits shall be made as specified in § 51.12.

(D) The deposit receipt is not negotiable and can be redeemed only at the Town Clerk's office.

(E) A separate deposit is required for each sewer service installed.

(F) Where the town finds that the request for a deposit refund is questionable, the town may require the applicant for refund to produce the deposit receipt properly endorsed.
(Ord. passed 4-28-1993)

§ 51.05 INITIAL OR MINIMUM CHARGE.

(A) The initial or minimum charge, as provided in the rate schedule, shall be made for each service installed, regardless of location. Each service requires a separate meter sheet, and each meter reading sheet shall cover a separate and individual water and sewer account.

(B) Where service is furnished to a customer during certain months only, the minimum charge per service for the period of non-use shall be the regular minimum as set out in the published rates for the town.

(C) Sewer service furnished for a given lot shall be used for that lot only. Each customer's service must be separately metered at a single delivery and metering point.
(Ord. passed 4-28-1993)

§ 51.06 RESPONSIBILITY AND LIABILITY; GRAVITY SEWER SERVICE AREA.

(A) During the initial construction of the wastewater collection facilities, the town shall construct a gravity service line from the adjacent collection main across the customer's property, terminating at a point approximately 10 feet from the point where the customer's sewer line leaves the house or building being served; or the service line may terminate at another location on the customers property as may be mutually agreed upon; and for which no tap-on fee will be charged.

(B) For sewer services required after the initial construction of the wastewater collection facilities, the town may construct a gravity service line from the adjacent collection main to the right-of-way line or property line where the collection main is immediately adjacent to the property being served; or, at the town's option, the service line may be terminated on the customer's property in a location mutually agreed upon. A tap-on fee will be charged for service lines installed after initial construction of the wastewater collection facilities.

(C) The town does not assume the responsibility of inspecting the customer's connecting piping or apparatus and will not be responsible therefor.

(D) The town shall not be liable for damage of any kind whatsoever resulting from wastewater back-ups or spills on the customer's premises, unless the damage results directly from negligence on the part of the town. The town shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the customers premises. The town shall not be responsible for negligence of third persons or forces beyond the control of the town resulting in any interruption of service.

(E) Where gravity service lines are installed on the customer's property by the town, the customer shall grant adequate and continuous access to all town-owned facilities located on the customer's property as provided in the easement agreement with the town. The customer shall not construct structures or plant vegetation of any type that will interfere with the maintenance or repair of the town's service piping without consent of the town. This includes, but is not limited to: fences, walls, driveways, walkways, patios, building additions, and the like.

(F) Piping on the customer's premises must be so arranged that the connections are conveniently located with respect to the town's lines or mains.

(G) 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 and in accordance with the town's rules and regulations and in full compliance with the sanitary regulations of the appropriate agencies of the State of North Carolina.

(H) Wherever the lowest plumbing fixture or drain connection in a customer's premises is located at a lower elevation than the rim elevation of the manholes upstream and downstream of the gravity sewer run to which the premises is connected, the customer shall be responsible for installing and maintaining a suitable gravity sewer backflow prevention device on the customer's side of the sewer service connection. All devices shall conform to all state and local plumbing codes.
(Ord. passed 4-28-1993)

§ 51.07 RESPONSIBILITY; PRESSURE SEWER SERVICE AREA.

(A) The town shall install the grinder pumping station and small diameter force main with all valves and other appurtenances in accordance with the town's standards. The grinder pumping station shall be installed (10 feet to 20 feet) outside of the structure being served, and a gravity service stub-out pipe, approximately 6 feet long shall be installed from the pumping station to enable connection by the customer. The town may, upon the request of the customer, allow the customer to install at the customer's expense any sewer lines, grinder pump, or other equipment, at no cost to the town. The town will have the right to inspect any equipment installed by the customer to determine that it is properly equipped and installed before allowing sewer service to begin.

(B) During the initial construction of the wastewater collection facilities, the town shall install the pump control panel and shall connect all wiring from the pumps, control floats and the electrical distribution panel.

(C) For sewer services required after the initial construction of the wastewater collection facilities, the town will not connect power wiring from the electrical distribution panel to the pump control panel.

(D) The town shall maintain the grinder pumping station, force main and control panel. The maintenance of all building sewers up to the stub-out at the grinder pumping station shall be the responsibility of the customer.

(E) The town does not assume the responsibility of inspecting the customer's connecting piping or apparatus and will not be responsible therefor.

(F) The town shall not be liable for damage of any kind whatsoever resulting from wastewater back-ups or spills on the customer's premises, unless the damage results directly from negligence on the part of the town. The town 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 town shall not be responsible for negligence of third party persons or forces beyond control of the town resulting in any interruption of service.

(G) The customer shall be responsible for providing and maintaining continuous electrical power to the grinder pumping station. All electrical energy costs shall be borne by the customer. For facilities installed after the initial construction of the wastewater collection facilities, the customer shall provide all wiring, circuit breakers, and the like required to supply single-phase, 120/240-volt, 60-cycle, 30-ampere power to the grinder pumping station control panel.

(H) The grinder pumping station and gravity service stub-out, control panel, small diameter force main and all appurtenances shall remain the property of the town. The customer shall provide adequate and continuous access to all town-owned facilities located on the customer's property as detailed in the easement agreement with the town. The customer shall not construct structures or plant vegetation of any type that will interfere with maintenance or repair of the town-owned equipment or piping without the consent of the town. This includes, but is not limited to, fences, walls, driveways, walkways, patios, building additions, and the like.

(I) The customer shall be fully responsible for the installation and maintenance of sufficient plumbing vents, traps, and the like required to prevent odors and gases commonly found in sanitary sewers from entering the premises.

(J) The customer shall be responsible for the cost of service to, and repair and replacement of, any town-owned facilities damaged from deliberate misuse, tampering or vandalism as defined in the town's Sewer Use Ordinance. A service charge will also be assessed for any service calls deemed as nuisance calls.

(K) The customer shall promptly notify the town in the event of any alarm condition or malfunction of the grinder pumping station. The customer shall also curtail water use in the event that the grinder pumping station is disabled or is being serviced.

(L) The customer shall not enter, service, modify or repair any of the town's equipment or piping without the knowledge and express consent of the town.
(Ord. passed 4-28-1993)

§ 51.08 EXTENSIONS TO SEWER SYSTEM.

(A) *Sewer facilities for undeveloped subdivisions.* Sewer facilities to serve undeveloped subdivisions will be handled as follows:

(1) The developer will submit plans and specifications for review and approval by the town, its Engineer and the State Division of Environmental Management, Department of Environment, Health and Natural Resources.

(2) The developer will install the facilities in accordance with the approved plans and specifications.

(3) Upon completion of the new facilities, the developer will deed the complete facility to include all rights-of-way, easements, permits, franchises and authorizations or other instruments needed for the operation and maintenance of the facility to the town. The town will not reimburse the developer for the extension.

(B) *Other extensions.* Other extensions of sewer facilities within the town's service areas will be handled as follows:

(1) The plans and specifications for the extension will be submitted for review and approval by the town, its Engineer and the State Division of Environmental Management, Department of Environment, Health and Natural Resources.

(2) The facilities will be installed in accordance with the approved plans and specifications.

(3) Prior to or upon completion of 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 town. The cost involved in the new extension will be paid by the person or persons requesting the extension.

(Ord. passed 4-28-1993)

§ 51.09 ACCESS TO PREMISES.

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

(B) Each customer shall grant or convey or shall cause to be granted or conveyed to the town a perpetual easement or right-of-way across any property owned or controlled by the customer wherever said perpetual easement and right-of-way is necessary for the town sewer facilities and lines so as to be able to furnish service to the customer.
(Ord. passed 4-28-1993)

§ 51.10 CHANGE OF OCCUPANCY.

(A) Not less than 3-days' notice must be given in person or in writing at the Town Clerk's office to discontinue service for a change in occupancy.

(B) The outgoing party shall be responsible for all water and sewer costs up to the time of departure or the time specified for departure, whichever period is longer.
(Ord. passed 4-28-1993)

§ 51.11 METER READING; BILLING; COLLECTING.

(A) Meters will be read and bills rendered on a monthly basis, but the town reserves the right to vary the dates or length of period covered temporarily or permanently if necessary or desirable.

(B) Bills for water and sewer service will be figured in accordance with the town's published rate schedules then in effect and will be based on the volumes, as previously described, for the period covered by the meter readings.

(C) Charge for service commences when sewer service is installed and connection made, whether used or not. Sixty days may be allowed for hookup on initial installation of the sewer facilities.

(D) Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be used for the same or different premises, or the same or different customers, or for the same or different services.

(E) Bills are due when rendered and become delinquent 20 days thereafter, whereupon a penalty of 1½ % per month will be added; and if not paid in 30 days, service may be discontinued by the town.

(F) Failure to receive bills or notices shall not prevent the bills from becoming delinquent or relieve the customer from payment.

(Ord. passed 4-28-1993)

§ 51.12 SUSPENSION OF SERVICE.

(A) When services are discontinued and all bills are paid, the deposit will be refunded.

(B) Upon discontinuance of service for non-payment of bills, the deposit will be applied by the town toward settlement of the account. Any balance will be refunded to the customer; but if the deposit is not sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.

(C) Sewer service discontinued for non-payment of bills will be restored only after bills are paid in full, re-deposit made, and water service is restored in accordance to the Water System Rules and Regulations.

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

- (1) To prevent fraud or abuse;
- (2) Customer's willful disregard of the town's rules and regulations;
- (3) Emergency repairs;
- (4) Legal processes;
- (5) Direction of public authorities; and/or
- (6) Strike, riot, fire, flood, accident or any unavoidable cause.

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

(Ord. passed 4-28-1993)

§ 51.13 COMPLAINTS, ADJUSTMENTS.

(A) If the customer believes his or her bill to be in error, he or she shall present his or her claim in person at the Town Clerk's office before the bill becomes delinquent. The claim if made after the bill has become delinquent shall not be effective in preventing discontinuance of services as heretofore provided. The customer may pay the bill under protest and said payment shall not prejudice his or her claim.

(B) The town will make special meter readings at the request of the customer for a fee of \$5, provided, however, that if the special reading discloses that the meter was overread, no charge will be made.

(C) Meters will be tested at the request of the customer upon payment to the town of the actual cost to the town of making the test, provided, however, that if the meter is found to over-register beyond 2% of the correct volume, no charge will be made.

(D) If the seal of a meter is broken by other than the town's representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his or her previous bills and/or from other proper data.
(Ord. passed 4-28-1993)

§ 51.14 ABRIDGEMENT OR MODIFICATION OF RULES.

(A) No promise, agreement or representation of any employee of the town shall be binding upon, the town except as it shall have been agreed upon in writing, signed and accepted by the acknowledged Board of the town.

(B) No modification of rates or any of the rules and regulations shall be made by any agent or employee of the town.
(Ord. passed 4-28-1993)

§ 51.15 ADOPTION BY BOARD.

In order to assure protection of the town's sewer facilities and enhance water quality in the stream receiving wastewater effluent from the town's treatment works, the Board of Commissioners agrees to adopt a Sewer Use Ordinance. The Sewer Use Ordinance will be adopted and placed into effect prior to placing the sewer system facilities into operation.
(Ord. passed 4-28-1993)

SEWER USE**§ 51.30 AUTHORITY, TITLE AND THE LIKE.**

(A) *Authority.* This section is adopted under the authority granted by G.S. § 160A-313.

(B) *Title.* This subchapter shall be known as, referred to, or cited as the Sewer Use Ordinance for the Town of Newton Grove, State of North Carolina, hereinafter referred to as the Ordinance.

(C) *Purpose and intent.* The purpose of this subchapter shall be to promote the public health, safety, prosperity, aesthetics and general welfare of the citizens of the town, and to enhance the quality of the effluent discharge from the treatment facility into the receiving waters, and to assure compliance with effluent limitations to be imposed by the National Pollutant Discharge Elimination System (NPDES) Permit to be issued by the State of North Carolina, Department of Environment, Health and Natural Resources, Division of Environmental Management. It is further intended to provide for administration and enforcement of the subchapter and to provide penalties for its violations.

(D) *Abrogation and greater restrictions.* It is not intended by this subchapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Subchapter imposes greater restrictions, the provisions of this subchapter shall govern.

(E) *Interpretation.* In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of North Carolina.

(F) *Severability of ordinance provisions.* If any section, provision, or portion of this subchapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the subchapter shall not be affected thereby.

(G) *Repeal.* All other ordinances or parts of ordinances of the town inconsistent or conflicting with the subchapter, to the extent of the inconsistency only, are hereby repealed.

(H) *Effective date.* The subchapter shall become effective after adoption by the town's Board of Commissioners and publication or posting as provided by law.
(Ord. 6, passed 4-28-1993)

§ 51.31 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD or 5-DAY BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter as measured by standard laboratory methods, in 5 days at 20°C as set out herein, expressed in mg/l.

COD or CHEMICAL OXYGEN DEMAND. The quantity of equivalent oxygen utilized in the chemical oxidation of organic matter as measured by standard laboratory methods, as set out herein, expressed in mg/l.

COLOR. The true color due to substances in solution which cause any variation in the hue of the receiving stream.

DISSOLVED SOLIDS. That concentration of matter in the sewage consisting of colloidal particulate matter 1 micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

DOMESTIC SEWAGE. Water-carried waste from bathrooms, toilet rooms, kitchens and home laundries.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage and sale of produce.

INDUSTRIAL WASTES. The water-carried wastes from industrial, institutional and commercial processes and operations as distinct from domestic sewage.

INFILTRATION. The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through means as (but not limited to) defective pipes, pipe joints, connections or manhole walls. **INFILTRATION** does not include and is distinguished from inflow.

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW. The water discharge into a sanitary sewer system, including building drains and sewers, from such sources as (but not limited to) roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers;

cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. **INFLOW** does not include and is distinguishable from infiltration.

IOD or IMMEDIATE OXYGEN DEMAND. The quantity of oxygen utilized by an industrial waste in excess of that normally attributable to sewage as measured by using standard laboratory methods, as set out herein, expressed in mg/l.

mg/l or MILLIGRAMS PER LITER. Parts per million by weight.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued under the National Pollutant Discharge Elimination System (*NPDES*) for discharge of wastewaters to the navigable waters of the United States pursuant to 33 U.S.C. §§ 1251 *et seq.*, as amended.

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to the wastewater treatment facility.

pH. The term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. A pH value of 7.0 is neutral; above 7.0 is alkaline; and below 7.0 is acid.

PRETREATMENT. The treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into the public sewers.

PRIVATE SEWER. A sewer which is not owned by the Town of Newton Grove.

PUBLIC SEWER. A sewer which is owned and controlled by the Town of Newton Grove and is separate from and does not include sewers owned by other governmental units.

RECEIVING STREAM. A body of water, stream, or watercourse receiving the discharge waters from the waste treatment plant or formed by the waters discharged from the waste treatment plant.

SANITARY SEWER. A sewer which carries sewage or industrial wastes.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

(a) **SANITARY SEWAGE.** The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

(b) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

(c) **COMBINED SEWAGE.** Wastes, including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

SEWER. A pipe or conduit for carrying sewage.

STANDARD METHODS. The laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, 12th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; *Methods for Chemical Analysis of Water and Wastes*, 1971, prepared and published by the Analytical Quality Control Laboratory, US Environmental Protection Agency; *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, enumerated in Title 40 C.F.R. §§ 136.1 *et seq.* (1975), as amended; and/or any other procedures recognized by the US Environmental Protection Agency and the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management.

STORM SEWER. A sewer that carries only storm waters, surface run-off, street wash, drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS. (TSS). Total suspended matter that either floats on the surface of, or in suspension in, water, wastewater or other liquids and is removable by laboratory filtration as prescribed in the *Standard Methods* enumerated above.

TOWN. The Town of Newton Grove, North Carolina, any official, employee or agent, including but not limited to a public works director, superintendent of waste treatment operations, town engineer, and the like, which may later be appointed by the Town Board as its official technical representative in matters relative to this subchapter.

TOWN BOARD. The Board of Commissioners of the town.

WASTEWATER TREATMENT WORKS. The structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

(B) Whenever the words "shall" and "may" appear, "shall" is to be considered as mandatory and "may" is to be considered as permissive.
(Ord. 6, passed 4-28-1993)

§ 51.32 DISCHARGES.

(A) (1) Public sewers are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management.

(2) No building or facility shall be connected to any public sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the town, except as provided in the town's rules and regulations.

(3) No person shall place, deposit or discharge, or cause to be placed, deposited or discharged, upon public or privately-owned property any wastewaters within the corporate limits of the town unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.

(4) No person shall deposit or discharge, or cause to be deposited or discharged, to any public sewer, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this subchapter.

(5) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such wastes' discharge in accordance with applicable town, state and federal laws, ordinances and regulations.

(6) Any person owning property within the corporate limits of the town, and the property is improved with one or more residences, houses, buildings or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever, and the property abuts on any street, alley, right-of-way in which there is located a sewer within 100 feet from the nearest property line, shall within 90 days after such sewer is in service, at his or her expense, install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the public sewer in accordance with the terms and provisions of the subchapter; provided, however, that in the event compliance with this section of the subchapter causes economic hardship on the person, he or she may apply to the town for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial or industrial users. Any connection to the sewer under this subchapter shall be made only if the town determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer facilities, including the treatment plant.

(7) Persons described in divisions (A)(5) and (6) above shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

(B) (1) No person shall discharge or cause to be discharged any storm water, foundation drain water, ground water, roof runoff, surface drainage, or unpolluted industrial cooling waters to any public sewer.

(2) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any public sewer:

(a) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with regulations pertaining to the treatment standards. In no case shall heat be introduced in such quantities that the temperature at the inlet to the collection system exceeds 40°C (104°F);

(b) Any waters or wastes which may contain more than 100 parts per million by weight of fat, oil, grease, or hexane extractable material;

(c) Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas or whatsoever kind or nature;

(d) Any garbage that has not been properly shredded;

(e) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the grinder pumping stations, low pressure collection sewers, pumping stations or the wastewater treatment works;

(f) Any waters or wastes having pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works;

(g) Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard in the receiving waters of the sewage treatment plant;

(h) Any waters or wastes containing BOD or suspended solids in excess of 250 mg/l, or otherwise containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the town which agreement may provide for special charges, payments or provisions for treating and testing equipment;

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance;

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(j) Any amount of the following constituents exceeding that listed below:

Aluminum	800.00 mg/l
Arsenic	0.003 mg/l
Barium	0.50 mg/l
Boron	1.00 mg/l
Cadmium	0.003 mg/l
Chlorides	200.00 mg/l
Chromium Total	0.05 mg/l
Chromium (Hexavalent)	0.50 mg/l
Copper	0.06 mg/l
Cyanide	0.02 mg/l
Fluorides	2.50 mg/l
Iron Total	4.00 mg/l
Lead	0.049 mg/l
Manganese	1.00 mg/l
Mercury	0.0003 mg/l
Nickel	0.02 mg/l
Phenols	0.10 mg/l
Selenium	0.03 mg/l
Silver	0.005 mg/l
Total Dissolved Solids	1,500.00 mg/l
Zinc	0.17 mg/l

(k) Total kjeldahl nitrogen in excess of 40 mg/l or such amount that would cause the town to be in noncompliance with regulations of the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management.

(l) Any water, waste or other medium in which the COD exceeds 600 mg/l.

- (m) Any water, waste or other medium in which the IOD exceeds 5.0 mg/l.
 - (n) Any radioactive materials in solid state or in a solution which can be removed by physical or chemical means and can be disposed of in solid form;
 - (o) Any radioactive materials in soluble ion form in sufficient quantities to create a health or life hazard, under any conditions, to sewage works personnel or to the biological life in the waste treatment plant or receiving stream;
 - (p) Any materials which form excessive amounts of scum that may interfere with the operation of the waste treatment works or cause undue additional labor in connection with its operation;
 - (q) Any water, waste or other medium containing dyes or other color of such character and in such quantity as to prevent removal by biological processes and which required special chemical treatment;
 - (r) Any other waters or wastes which may be defined as Hazardous Wastes under Title 40 C.F.R. part 261;
 - (s) Industrial wastes; and
 - (t) Septage, sludge or solids removed from private or public wastewater treatment plants, pre-treatment facilities or septic tanks.
- (3) No provision of division (B) thereof shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the US EPA or the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management.
- (4) A person generating any of the prohibited wastes described in division (B)(2) above, and desiring to discharge the wastes or pollutants into a public sewer, shall first provide pretreatment of the said wastes so as to make the waste acceptable for discharge in accordance with the standards set forth herein. The discharges may then be admitted only upon application to the town and upon issuance of approval by the town in accordance with § 51.33 hereof.
- (Ord. 6, passed 4-28-1993)

§ 51.33 PRETREATMENT REQUIREMENTS.

(A) Any person desiring to discharge any of the wastes or pollutants listed in § 51.32(B) into a public sewer shall, before making the discharge, first apply to the town for a permit to make the discharge, as provided under § 51.35.

(B) In the event that the town approves the admission of any materials into its sewers as set forth in § 51.32(B)(2), the town shall direct the user causing admission of such materials to, at his or her own expense, construct, install and operate the pretreatment plants and facilities as may be required in order to:

- (1) Reduce the BOD and/or suspended solids to 250 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 51.32(B)(2); and
- (3) Control the quantities and rates of discharges of such waters or wastes.

(C) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all town, US EPA, North Carolina Department of Environment and Natural Resources, Division of Environmental Management and any other local, state or federal agency regulations, and operating data, and sludge disposal has been obtained from US EPA, North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, the town, and any other local, state or federal agency having regulatory authority with respect thereto.

(D) All such preliminary treatment facilities as required by the subchapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense. The town shall have the authority to inspect the user's pretreatment facilities in accordance with § 51.38.

(E) Grease, oil and sand interceptors or retainers shall be installed by the user at its own expense when in the opinion of the town such are necessary for the proper handling of liquid wastes containing grease, oils or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. The interceptors shall be of a type and capacity approved by the Town Board.

(F) Where installed, all grease, oil and sand interceptors shall be maintained by the user at his own expense, and shall be kept in continuous and efficient operation at all times.

(G) No provision contained in the subchapter shall be construed to prevent or prohibit a separate or special contract or agreement between the town and any industrial user whereby industrial waste and material of unusual strength, character or composition may be accepted by the town for treatment, subject to additional payment therefore by the industrial user; provided, however; that such contract or agreement shall have the prior approval of the Town Board.

(H) The town reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

(I) Any person discharging industrial wastes into the public sewers may be required to construct and maintain a suitable control or inspection manhole either downstream from any treatment, storage, or other approved works, or, if pretreatment works are not required, at the point where the wastes enter the public sewer. The manhole shall be located so as to be readily accessible and shall be constructed in a manner approved by the town to facilitate any inspection or measuring which may be necessary for the proper sampling and/or control of the waste discharged.

(J) Notice by the user shall be given to the town in advance or at the earliest possible time, when normal operations of the industry will be interrupted for 24 hours or longer, when wastes will not be discharged or when a change of process is contemplated which will alter the nature of the discharge.
(Ord. 6, passed 4-28-1993)

§ 51.34 PRIVATE SEWAGE TREATMENT AND DISPOSAL.

(A) Where a public sewer is not available as set forth in § 51.32(A), the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable town, county, state and federal laws, ordinances and regulations.

(B) Within 90 days after property served by a private sewer or disposal system as described in this Section shall become subject to the terms and provisions of § 51.32(A)(6), a direct connection shall be made to the public sewer according to the terms and provisions of this subchapter, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

(C) The town shall not be responsible in any way for the operation and maintenance of a private sewer.

(D) No provisions of the subchapter shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any local governmental body or the state or federal government.
(Ord. 6, passed 4-28-1993)

§ 51.35 DISCHARGE PERMITS.

(A) The town reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the town does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the town. Upon official notification from the town, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of the notification.

(B) Commercial and industrial classification codes set forth in the *Standard Industrial Classification Manual*, 1972 edition, as amended and supplemented, are adopted by the town Board of Commissioners as a basis for the issuance of discharge permits.

(C) The application for a discharge permit shall be made on a form provided for that purpose by the town, and shall be fully completed under oath by the property owner, user or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the town. The town shall also have at its discretion the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

(D) No fee shall be charged for a discharge application or permit.

(E) No discharge permit shall be issued by the town to any person whose discharge or material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Director of Public Works, is not in conformance with federal, state or town statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Board of Commissioners in the manner hereinafter set forth. The town shall state in writing the reason or reasons for denial or requirement for waiver-variance and the written communication shall be mailed or personally delivered to the applicant within 5 days after denial.

(F) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted a permit previously shall make a new application to the town, in the same manner and form as originally made.

(G) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the town, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of division (E) above and a waiver or variance is required, the user may have the Board of Commissioners review the denial or may request waiver-variance, provided the user shall give written notice of his or her request within 30 days after receiving the denial. The Board of Commissioners shall review the permit application, the written denial, and such other evidence and matters as the applicant and town shall present at its next regular meeting following receipt of request for its review, and the decision of the Board of Commissioners rendered publicly at the meeting shall be final.

(H) In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than that shown on the application and permit, the person and user shall immediately upon order of the Board of Commissioners cease and desist from the discharge and shall also be subject to disconnection and other penalties provided by this subchapter.

(I) A grant of waiver or variance by the Board of Commissioners may set forth such conditions, exceptions, time limitations, durations and expirations as the Board of Commissioners deems necessary and proper.

(Ord. 6, passed 4-28-1993)

§ 51.36 REPORTING CRITERIA FOR NON-RESIDENTIAL USERS.

(A) The town reserves the right to require any non-residential user to submit quarterly to the town on forms provided by the town a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the town or to any sewers connected to its treatment works. This statement shall be filed with the town no later than the tenth day of the month following the quarter for which the report is required.

(B) The waste characteristics to be measured and certified by the user shall be:

- (1) BOD in milligrams per liter;
- (2) Suspended solids in milligrams per liter; and
- (3) Such other constituents of wastewater as directed by the town.

(C) The wastewater characteristics as reported by a non-residential user shall be based on laboratory analysis performed by a testing laboratory certified and approved by the North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management.

(D) Whenever deemed necessary by the town, a non-residential user shall install a large manhole or sampling chamber downstream from any pre-treatment facility, or if pre-treatment facilities are not required, at a point upstream of where the discharge enters the public sewer. The manhole or chamber shall be constructed in accordance with plans and specifications approved by the town and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily, and independently of other premises and buildings of user accessible to authorized representatives of the town at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the town.

(E) Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the town that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the town is made in the metered water supply to determine the liquid waste quantity.

(F) Samples shall be taken every hour or half hour, as determined by the town and properly refrigerated and composited in proportion to the flow for a representative 24-hour sample. Such sampling shall be done as prescribed by the town to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each 12-month period. The determination of representative quantities and characteristics shall include not less than 7 consecutive calendar days of 24-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

(G) The sampling frequency, sampling chamber, metering device, sampling methods and analyses of samples shall be subject at any time to inspection and verification by the town.

(H) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in the section shall be determined in accordance with the *Standard Methods* as defined in § 51.31 or with any other method approved by the town Board of Commissioners.

(I) The Board of Commissioners may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the town's designated laboratory for analysis. This procedure can also be terminated at any time by the Board of Commissioners upon reasonable notice.

(Ord. 6, passed 4-28-1993)

§ 51.37 ACCIDENTAL DISCHARGES.

(A) Each customer shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or customer's own cost and expense. Detailed plans showing facilities and updating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility. All existing customers shall complete such a plan by April 28, 1993. No customer who commences contribution to the town after the effective date of this subchapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town. Review and approval of such plans and operating procedures shall not relieve the industrial customer from the responsibility to modify the customer's facility as necessary to meet the requirements of this subchapter in the case of an accidental discharge, it is the responsibility of the customer to immediately telephone and notify the town of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Within 5 days following an accidental discharge, the customer shall submit to the town a detailed written report describing the cause of the discharge and the measures taken by the customer to prevent similar future occurrences. This notification shall not relieve the customer of any expense, loss, damage, or other liability which may be incurred as a result of damage to the town, fish kills, or any other damage to person or property; nor shall such notification relieve the customer of any fines, civil penalties, or other liability which may be imposed by this subchapter or other applicable law.

(C) A notice shall be permanently posted on the customer's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. 6, passed 4-28-1993)

§ 51.38 ENFORCEMENT.

(A) *Inspection rights.* Any duly authorized employee or agent of the town bearing proper credentials and identification shall be permitted at any time to enter upon all properties connected to a public sewer for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this subchapter.

(B) *Liability during inspections.* While performing the necessary inspection work on private properties, the duly authorized employees of the town shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the town employees, and the town shall indemnify the user against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

(Ord. 6, passed 4-28-1993)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Any person who shall violate any provision of §§ 51.30 *et seq.* shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount not to exceed \$1,000 for each violation in accordance with G.S. § 160A-1(2). For the purpose of this section, each day that a violation exists or continues shall constitute a separate offense.

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(2) A person who is subject to a forfeiture for violating any provision of §§ 51.30 *et seq.* may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed 6 months for any 1 violation. For each day of confinement, the committed person shall be allowed, exclusive of his or her board, a credit of \$5 towards the forfeiture and costs.

(3) Any person who shall violate any provision of §§ 51.30 *et seq.* shall also be:

(a) Liable to the town for all costs, expenses, loss or damage, if any, incurred by the town as the result of the violation.

(b) Subject to immediate disconnection of the water and sewer serving the property upon or in connection with which the violation incurred.

(c) Subject to a lien upon the property in the amount of any costs described in division (B)(3)(a) above.

(Ord. 6, passed 4-28-1993)

Sewers

51.90 SEWER PUMP REPAIR.

1. First occurrence – Town will clean out and repair sewer pump. Document and take pictures of offense. Educational materials provided to the customer to read, acknowledge, and sign.
2. Second occurrence – Town will clean out and repair sewer pump. Document and take pictures of offense. Customer will be billed for the time and equipment used to clean and repair the sewer pump. Educational materials provided to the customer to read, acknowledge, and sign.
3. Third occurrence - Town will clean out and repair sewer pump. Document and take pictures of offense. Customer will be billed for the time and equipment used to clean and repair the sewer pump. Educational materials provided to the customer to read, acknowledge, and sign. Services will be cut off and the customer will be charged a fee to have service restored.
4. Fourth and Final occurrence – The sewer pump and the responsibility to fix and maintain will be turned over to the resident. The town will no longer service.

CHAPTER 52: WATER

Section

52.01 Water rates

§ 52.01 WATER RATES.

The Water/Sewer User Rate Schedule and the Water Deposit and Water Tap-on Fee schedule are on file at the office of the Town Clerk and are incorporated herein by reference.

**TOWN OF NEWTON GROVE
FATS, OILS, AND GREASE ORDINANCE**

AN ORDINANCE TO REGULATE DISCHARGES OF ANIMAL AND VEGETABLE FATS, OILS, AND GREASE, FOOD WASTE, SOIL, SAND, AND LINT.

BE IT ENACTED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF NEWTON GROVE, N.C., THAT:

Section 1: Purpose

The purpose of this ordinance is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

Section 2: Definitions

A: Grease

Material composed primarily of fats, oil, and grease (FOG) from animal or vegetable sources. The terms fats, oil, and, grease shall be deemed as Grease by definition. Grease does not include petroleum- based products.

B: Grease Trap

A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

C: Food Service Facilities

Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking,

broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the Town's Public Works Director, (PWD) who discharge applicable waste.

D: User

Any person or establishment including those located outside the jurisdictional limits of the Town of Newton Grove who contributes, causes, or permits the contribution or discharge of wastewater into The Town's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

E: Oil/Water separator

An approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the PWD.

Section 3: Control Plan for (FOG) and food waste

A: Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to The Town of Newton Grove a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

B: Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no "Grandfathering".

Section 4: General Criteria

A: Installation requirements

All existing, proposed, or newly remodeled Food service facilities inside the Town of Newton Grove wastewater service area shall be required to install, at the user's expense an approved, properly operated and maintained grease trap.

B: Sanitary sewer flows

Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C: Floor drains

Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D: Garbage grinders/disposers

It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E: Dishwashers

Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F: Location

Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the PWD.

G: Pass Through Limits

No User shall allow wastewater discharge concentration from grease trap to exceed 100 mg/l (milligrams per liter) as identified by EPA method 413.

Section 5: Design Criteria

A: Construction

Grease traps shall be constructed in accordance with The Town of Newton Grove's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devices or technologies shall be subject to the written approval of the PWD. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B: Access

Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

C: Load-Bearing Capacity

In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (Example: vehicular traffic in driving or parking areas)

D: Inlet and Outlet Piping

Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

E: Grease Trap Sizing

The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gal. or exceed a capacity of 3,000 gal. If the calculated capacity exceeds 3,000 gal., multiple units plumbed in series shall be installed.

Section 6: Grease Trap Maintenance

A: Cleaning/Pumping

The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the Town's Pass Through Limits.

Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. All pumping must be done by a qualified and licensed hauler.

Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.

This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B: Cleaning/Pumping frequency

The 1000 gallon and larger grease traps must be pumped out completely a minimum of once every three months, or more frequently, as determined by the PWD, as needed to prevent carry over of grease into the sanitary sewer system. Smaller traps such as under the sink, etc. will need to be cleaned at least weekly or more frequently as determined by the PWD.

C: Disposal

All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the Town's sanitary sewer collection system.

All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

D: Maintenance Log

A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the PWD or his/her representative upon request.

E: Submittal of Records

Each user shall submit all cleaning and maintenance records to the PWD. The maintenance records shall include the following information:

1. Facility name, address, contact person, and phone number
2. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
3. Types of maintenance performed.
4. Dates maintenance was performed.
5. Date of next scheduled maintenance.
6. Copies of manifests.

The user shall be required to submit maintenance records to the PWD on an annual basis (once per year). Records shall be submitted by December 31st of each year. The records shall be submitted to:

Attn. Public Works Director
P.O. Box 4
Newton Grove, N.C. 28366

The PWD will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the PWD, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the PWD the user may be required to install, at his expense, additional controls to provide a complete system that will prevent discharges of undesirable materials into the wastewater collection system.

Section 7: Additives

Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease are prohibited. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

Section 8: Chemical Treatment

Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease are prohibited to enter the grease trap.

Section 9: Sand, Soil, and Oil Interceptors

All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the PWD) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the PWD shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the PWD.

Section 10: Laundries

Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids $\frac{1}{2}$ " or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

Section 11: Control Equipment

The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the NC Plumbing Code, N.C. Dept. of Environment and Natural Resources guidelines, most current engineering standards, or other applicable guidelines approved by the PWD. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection.

Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant.

If the Town of Newton Grove is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the

Town including any fines incurred due to any sanitary sewer overflow due directly to the stoppage.

The Town of Newton Grove retains the right to inspect and approve any and all installations of control equipment.

Section 12: Alteration of Control Methods

The Town of Newton Grove, through the PWD, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

Section 13: Enforcement and Penalties

Any person who violates this ordinance, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the Town of Newton Grove's Municipal Code of Ordinances. Each day's violation of this ordinance shall be considered a separate offense.

Section 14: Severability

Each section, subsection, paragraph, sentence, and clause of this ordinance is declared to be separable and severable.