

COUNTY OF WASHINGTON

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AGENDA ITEM MEMO

MEETING DATE: June 1st, 2020

MEMO Date: May 28, 2020

SUBJECT: Washington County Revised & Restated Waterworks Rules & Regulations Ordinance

DEPARTMENT: Water/Finance

FROM: Curtis S. Potter, County Manager/County Attorney (CM/CA)

ATTACHMENTS:

A- WASHINGTON COUNTY WATERWORKS RULES & REGULATIONS

ORDINANCE Revised & Restated June 1st, 2020

B- Executive Order 124 Signed March 31, 2020

PURPOSE: To approve a textual amendment to the recently revised and restated Waterworks Rules & Regulations Ordinance which governs the Washington County waterworks system to provide the Waterworks Superintendent with the necessary authority to adopt supplemental written rules and regulations in order to comply with and enforce certain provisions of Executive Orders applicable to public utility services issued by the Governor of the State of North Carolina during declared States of Emergency.

BACKGROUND SUMMARY & ANALYSIS: Washington County recently revised and restated its Waterworks Rules & Regulations Ordinance effective February 3rd, 2020. As part of that revision, Article XVII (a) provides the Waterworks Superintendent (County Manager) the authority to issue supplemental written rules and regulations consistent with the ordinance.

Executive Order 124 was signed March 31, 2020 by Governor Cooper regarding certain mandatory actions that public utilities including Washington County were required to take in an unprecedented and unanticipated exercise of executive power made as part of a series of such orders related to dealing with the impact of COVID-19 throughout the State of North Carolina.

Unless extended, Executive Order 124 may expire as early as June 1st, 2020. Regardless of when the order actually expires, it contains provisions mandating certain payment plan arrangements be extended to customers of public utilities including the Washington County waterworks system.

The most recently revised and restated Waterworks Rules & Regulations Ordinance does not expressly address the authority of the Superintendent to issue supplemental rules and regulations which

may exceed the normal provisions of the Ordinance, but which may nevertheless be required to comply with Executive Order 124 or just as importantly, with any similar future Executive Orders applicable to public utilities during future declared States of Emergency.

The only modification to the existing ordinance being proposed by staff is shown in the red text below which is proposed to be inserted into the already existing section of the current Ordinance as follows:

XVII OTHER PROVISIONS

- a. Supplemental Written Rules & Regulations: The Superintendent is hereby authorized from time to time to adopt supplemental written rules and regulations consistent with the provisions of this Ordinance in order to carry out its uniform and equitable administration; **or notwithstanding anything herein to the contrary, are consistent with and deemed necessary to comply with and enforce the minimal required terms of any Executive Orders applicable to public utilities issued by the Governor of the State of North Carolina during any declared State of Emergency.** Any such supplemental rules and regulations shall be written, signed, and dated, and shall be prominently displayed to the public at any centralized location where water bills are collected in person, and/or upon the Washington County website.

FINANCIAL IMPACT: N/A

RECOMMENDATION(S):

1. Approve and adopt the attached Washington County Waterworks Rules & Regulations Ordinance Revised & Restated February 3rd, 2020 as presented.

WASHINGTON COUNTY WATERWORKS RULES & REGULATIONS ORDINANCE

Revised & Restated June 1st, 2020

An ordinance to regulate, restrict and control, in the interest of the public's health and safety, the use of water and water mains now maintained and/or owned by or which may become the property of Washington County.

I DEFINITIONS

Building - A structure as defined in Volume I of the North Carolina State Building Code.

Cashier - County employees authorized to calculate routine charges and accept routine payments.

Consuming Unit - A residential dwelling, institutional facility, commercial business or industrial building, office, structure, stall or other realty.

Connection - The part of the water service line which runs from the main to the property line, including all appurtenances to make the service complete and ready for use. Sometimes referred to as the "service connection".

Consumer - The person legally responsible for the payment of charges for water fees to any premises. The individual signing the Water Users Agreement requesting water service from the County.

Disconnection - Stopping the flow of water to a consumer through turning the valve on the meter setter and / or removing the meter from the meter box.

Easement - A legal right for the specific use of land owned by others.

Fee Schedule - Schedule of rates, service charges and fees for the WCWD set by the County Commissioners each year in the Annual Budget Ordinance.

Improved Street - Any street having a wearing surface of concrete, brick, stone block, asphalt or any bituminous compound.

Lateral - That portion of the water connection which does not include meter, box or meter setter.

Main - The water pipe usually laid in a street right-of-way running parallel to the property line, which distributes water: sometimes referred to as the water distribution line.

May - Allowed or permitted.

Meter setter - Device installed in meter box which allows the installation of a water meter and incorporates a shut-off valve in the line before the meter.

Owner - Person(s) having legal title to any premises or realty served by the Washington County Water Department.

Person - An individual, firm, association, partnership or corporation.

Premises - Land, building, or other structures and appurtenances thereto.

Reconnection - Restarting the flow of water to the consumer by turning the valve on the meter setter and / or reinstalling the water meter.

Service Line - The water line which services a house, business, apartments, building or consumer which runs from the street to the establishment being served, and which is usually located on private property but in any case located on the consumer side of the meter.

Shall - Mandatory.

Superintendent of Waterworks - The County Manager or his designee.

Unusual - Not usual, common, or ordinary.

User - See Consumer

WCWD - Washington County Water Department

Water Distribution Line - See Main

II APPLICATION FOR SERVICE

Every applicant (property owner or tenant) for water service shall fill out and sign a WCWD Water User Agreement which lists the property owner, the applicant's name, the street or road name and number on which the service is or will be located, the size of service connection desired and any other information deemed necessary by the Superintendent for the completion of the connection. This User Agreement shall be completed not less than 15 days before a proposed new service connection (Tap) is desired or five days before a meter reconnection is required.

If the applicant is a tenant, adequate documentation (lease agreement, deposit receipt, or a letter signed by landlord) must be provided regarding the lease between the landlord and tenant. A copy of identification will also be required for every applicant.

WCWD shall evaluate an application for a new tap and notify the applicant if additional time will be required to provide service.

III NEW METER INSTALLATIONS

A. SERVICE (TAP) APPLICATIONS

If there is no meter box at the desired service location a "New Meter Installation Fee" also known as a "tap fee" must be paid at the time the User Agreement is executed. The tap fee is set forth in the County Fee Schedule which may be amended at any time by the Washington County Board of Commissioners.

Tap fees are non-refundable once the tap has been installed and the meter setter and box have been set.

Water laterals will be installed only at the request of the owner of the property or his agent or if deemed by the superintendent to be in the best interest of the WCWD.

If a meter box and tap are installed for the convenience of the WCWD, the meter shall not be set and the lateral shall not be used until the owner of the property or his agent applies for service. At that time the tap fee must be paid.

The WCWD may reject any application for service if the said service may affect the supply of water to existing customers.

When a new tap and meter box is installed, WCWD personnel will run a lateral line from the distribution main to the property line adjacent to and parallel to the property to be served. The final decision as to the location of the lateral and its associated meter box lies with the Superintendent although every effort will be made to place it in the most convenient location for the consumer.

B. METER LOCATION

The WCWD will try to install its meter on the right of way at the property line but, if it is deemed in the best interest of the WCWD, it may install it on the owner's property. By signing the Water User Agreement the owner / user consents to allow WCWD personnel to install the meter on his / her property if necessary, and to allow WCWD personnel to enter his / her property to read, service or remove the meter and meter box at any time.

When two or more meters are to be installed servicing the same premises but for different users, they will be closely grouped and each clearly identified as to which user it applies.

The WCWD shall have no responsibility for the design or performance of sprinkler or other fire protection systems.

The WCWD may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.

The WCWD does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefore.

The WCWD shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises.

The WCWD 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 WCWD shall not be responsible for negligence of third persons or forces beyond the control of the WCWD resulting in any interruption of service.

C. EQUIPMENT PROVIDED

For a new tap installation up to and including 1-inch in size, the WCWD will provide a lateral, meter setter, meter, customer convenience shut-off valve, check valve, and a meter box. The shut-off valve is for the customer's convenience, and once installed it becomes the consumer's responsibility to maintain. The purpose of this valve is to allow the water to be shut off for plumbing repairs without having to contact the WCWD.

Any new tap installation in excess of one inch shall be the sole responsibility of the owner and shall be at his / her sole cost and expense. Said cost and expense shall include any and all equipment required for the installation and tap, including without limitation, the meter, the shut-off valve, the lateral and meter setter.

D. DEPOSIT FEES

A deposit as set forth in the County "Fee Schedule" is required to be paid upon signing the User Agreement. **Separate deposits are required for each meter.** An applicant for water service will be asked for his / her social security or tax identification number. Said number will be used to allow for debt set off. If an applicant for water does not provide a social security or tax identification number, the deposit will be equal to twice the normal deposit. Providing a false social security number or tax identification number will be grounds for immediate disconnection. Deposits shall not earn interest for the consumer.

Deposit account balances shall be refunded only after all outstanding charges have been paid. WCWD will apply the deposit to the final bill when service is discontinued.

At termination of service and after payment of final account balance, a refund of the remaining deposit will be sent to the applicants last known address. It shall be the responsibility of the consumer to apply for his / her refund and present his / her deposit receipt. The WCWD may require the refund applicant to produce the original deposit receipt to verify disputed deposits.

E. IRRIGATION SERVICE

Any consumer wishing to use water for any type of irrigation system, whether commercial or residential, must have a separate irrigation meter installed. No sprinkler systems will be allowed to connect to a dwelling, commercial or industrial meter. Fees for this meter are set forth in the Fee Schedule.

F. MULTIPLE TENANCIES

If one water meter serves more than one location or living unit (for example: two duplex apartments, a rooming house or more than one business in a shopping center), it is required that the account be in the property owner's name. This policy is intended to avoid having a service request from one tenant that would affect another tenant's service, and to avoid having to allocate costs among tenants who share one meter.

G. BASE CHARGE

The minimum monthly base charge, as provided in the County Fee Schedule, is due and payable monthly for each meter installed. Said charges accrue with or without a service line connection and with or without any usage. Each meter requires a separate User Agreement and shall be considered a separate and individual account.

IV GENERAL POLICIES, RESPONSIBILITIES AND LIABILITY

A. BACKFLOW DEVICES

In high risk usage cases, including but not limited to fire sprinklers, lawn sprinklers, carbonated soft drink machines and cooling towers, a backflow preventer will be required as set forth in federal and state law. The cost of such device shall be borne by the consumer.

Any backflow device required by regulation must be installed by a licensed plumber.

Any cost shall be at the sole expense of the consumer.

Any test required by state or federal law shall be at the owner's expense. The results of any such test shall be reported to the WCWD within thirty days of the state report submission.

By signing the Water User Agreement the owner / user consents to allow WCWD personnel to enter his / her property to determine if a potential cross connection or backflow situation exists. No personnel will enter any building on the property unless escorted by the owner / user. If entry is refused after three requests the WCWD has the right to discontinue water service until an inspection can be made.

The WCWD reserves the right to refuse and /or discontinue service if a cross-connections or backflow situation exists anywhere in the user's plumbing system.

V CONSUMER'S RESPONSIBILITY

If a Consumer requests additional meters to be installed to service his / her property, each place of metering will be considered as a separate and individual account.

When a meter is placed on or adjacent to the premises of a consumer, the consumer shall keep the meter box unobstructed and accessible to the meter reader at all times. The County reserves the right to remove any material or vegetation that impedes access to the meter box.

The consumer shall furnish and maintain a private cutoff valve on the consumer's side of the meter.

The consumer shall not connect any other source of water and /or piping to the WCWD water system. The consumer shall disconnect any and all other sources of water and / or piping from his / her system prior to connecting to the WCWD system.

No connection between a lawn sprinkler service and any other WCWD service connection is allowed.

In the event that any loss or damage occurs to the property of the WCWD or any injury to persons or property caused by or resulting from negligence or wrongful acts of the consumer, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the county water system and any liability resulting shall be at the sole cost and expense of the consumer.

Meter boxes can not be driven over by any type of vehicle. It is the consumer's responsibility to take reasonable steps to prevent this from occurring. If the consumer negligently allows a vehicle to drive over the meter box and damage it, necessary repairs or replacements shall be at the sole cost and expense of the consumer. The amount of such loss or damage or the cost of repairs shall be added to the consumer's next monthly bill.

The consumer under no circumstance shall access the WCWD distribution system or any appurtenances thereof except through a metered service applied for and approved by the WCWD. The consumer shall not connect to a fire hydrant or any metered service or connected piping for any purpose without the approval of the WCWD.

VI METER READING AND BILLING

A. BILLING

All water meters on the WCWD will be read monthly, provided however, in the event WCWD personnel are unable to access the meter through no fault of the WCWD, said bill will be estimated. The estimated amount shall be the average of the last three months' bills. An adjustment will be made following the next reading by the WCWD. Consumers will receive a monthly statement.

Bills are calculated and mailed on or before the 10th of the month and are due on or before 5:00 P.M on the 4th of the following month. On the 5th, a late fee (see Fee Schedule) is assessed and shall be due and payable immediately.

Payments may be mailed, paid in person, dropped in a drop box, or electronically drafted and are posted immediately upon receipt. Accounts electronically drafted will be drafted from the

consumer's account on the 19th of each month. Forms for drafting must be filled out 10 days prior to the first requested draft.

The WCWD also offers the convenience of paying your water bill online or by phone with your credit or debit card. Go to the following website www.officialpayments.com or call 1-800-272-9829, the jurisdiction code for Washington County is 4389. Once you go into the website the steps are easy to follow and at the end of your transaction, you will be given a confirmation number. This number needs to be written down and kept for your records. The consumer will have to know his / her account number to access either one of these services.

If not paid by 5:00 P.M. on the 15th of the month, a collection fee (see Fee Schedule) is added and service will be disconnected on the 16th of the month, provided however the WCWD has the authority to delay such disconnection if it would otherwise occur immediately before a holiday or weekend. WCWD will not begin to reconnect services until the next work day following any such disconnection, and only after all past due amounts (including the collection fee) have been paid in full. Same day reconnections for failure to pay on time will not be made.

Any payment by check or electronic draft that is returned for insufficient funds will be subject to a returned check fee (see Fee Schedule). The WCWD may require payment in cash when two or more checks or electronic drafts are returned for insufficient funds. If payment is returned, the customer has forty-eight (48) hours after receiving returned check letter to remit payment (including returned check fee) or service may be disconnected.

Base charges for service begin when the meter is installed, whether or not any water is used.

WCWD is not responsible for undelivered or undeliverable mail or for mistakes made by the postal service in delivery. Failure to receive bills or notices shall not prevent such bill from becoming delinquent or relieve the consumer from payment.

- i. New Customer Liability—Where water has been shut off for nonpayment of utility charges by a previous customer, a new customer shall not be responsible for the past due charges, except in cases where the transfer is between customers related by blood or marriage or other relationship where the intent of the transfer is to avoid payment of past due charges.
- ii. Pending DSS Benefit Payments: Whenever a customer who is eligible for social services benefits including the payment of utility bills from the Washington County Department of Social Services has had their water cutoff for nonpayment of outstanding utilities bills, the utilities department is authorized to accept a signed notification of pending payment to be made by the Department of Social Services on that customer's behalf as payment before the date such funds are actually received for purposes of restoring that customer's water service only, provided the amount to be paid is sufficient to restore such service in accordance with applicable policies. Any such notification shall set forth the name of the customer, the account number, the exact amount of the pending payment to be made by DSS on the customer's behalf, the anticipated actual payment date, and shall be signed by the DSS Director or their designee for such purpose. This policy is made to help expedite situations where eligible recipients of such benefits might otherwise have to wait several days or weeks until the next county check run is processed for such a payment to actually be made on their behalf, before their service is restored. In such cases, service shall be restored at the next reasonably available opportunity in accordance with applicable

operating procedures. Due to internal accounting requirements, notwithstanding the foregoing, and unless otherwise directed by the County Finance Officer, all payments shall be treated and reflected within the accounting system as made only on the actual date of receipt of funds for all other purposes other than making the account eligible for restoration of service, including the assessment of any applicable interest, penalties, or fees.

B. METER READERS

The meter box must be kept clear of any and all obstructions, including without limitation animals (pets), garbage cans, boxes, yard waste, fences, trees shrubbery and vehicles. The County reserves the right to remove any material or vegetation that impedes access to the meter box.

VII COMPLAINTS AND ADJUSTMENTS

A. BILLING ERRORS

If a consumer believes his / her bill to be in error, he / she must present his / her claim, at the WCWD office **before the bill becomes delinquent**. Upon notification of a suspected error, the WCWD shall take reasonable steps to determine if an error occurred. During the investigation period the consumer's water service shall not be subject to disconnection. If, however, notice of suspected error is made after the bill has become delinquent, such notice shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his / her claim. A form must be filled out and signed by any consumer claiming a billing error.

B. LEAKS

Consumers, other than irrigation meters, may request a one time adjustment for excessive water usage due to a leak as follows:

Subject to the limits set forth below, the bill will be adjusted to reflect a reduction of one-half of the consumption over the 2000 gallon base usage for the month in question. Consumer will be responsible for paying the base rate plus one-half of the consumption. In the event of a single leak that occurs in one month and is not discovered and fixed until the following month, the adjustment may be applied to both monthly billing statements. No more than two monthly billing statements shall be eligible to receive an adjustment for a single leak, and no consumer may receive an adjustment for more than one single leak in a rolling twelve (12) month period.

In order to qualify for this adjustment the following conditions must be met:

1. The leak must be on the consumer's side of the meter.
2. The consumer must notify the WCWD of the leak no later than the due date of the bill that reflects the leak, and must have the leak fixed as soon as possible after discovery.
3. The consumer must present any repair receipts for plumbers or receipts for repair parts, if applicable, and personally sign a statement that the leak has been fixed.
4. The consumer must complete an adjustment request form and promptly return it to the WCWD.

Only for each billing statement that receives an adjustment for a leak pursuant to this Ordinance, if the remaining post-adjustment balance is greater than \$100, the customer shall also be eligible to apply for and participate in a payment plan to repay such balance subject to the following conditions:

1. The customer shall complete and sign a written payment plan agreement with the Washington County Finance Office prior to the applicable due date for the adjusted billing statement, or otherwise within any grace period established by the Finance Office for such purpose.
2. The payment plan shall require the customer to pay the greater of: one twelfth (1/12th) of the remaining balance owed pursuant to the adjusted billing statement together with any applicable interest, or fifty dollars (\$50.00) whichever is greater.
3. Interest shall continue to accrue on the unpaid balance until paid in full, but any collection fees or late payment penalty fees otherwise applied to late payments shall be suspended for so long as the customer remains in good standing under the payment plan, and shall resume non-retroactively in the event a payment plan becomes delinquent at which point the plan shall automatically terminate and shall not be eligible for reinstatement.
4. The customer must continue to pay in addition to the payment plan amount, any and all recurring or monthly charges for all additional water consumed or for any additional leaks occurring during the same rolling twelve (12) month period which are therefore not eligible for adjustment under this Ordinance.
5. The Washington County Finance Office may impose any additional requirements it deems necessary or desirable in connection with offering and administering this repayment plan under this Ordinance, provided such requirements are not otherwise unlawful, shall be established in writing, and shall be applied uniformly to all customers.
6. If customer has a returned check while on payment plan, the plan will become null and void. Remaining balance and service charge (see Fee Schedule) has to be paid within forty-eight (48) hours or service will be disconnected until balance is paid in full.

Customers in good standing under pre-existing payment plan arrangements with the WCWD at the time of the adoption of this amendment shall be eligible to participate in the payment plan described above subject to the same terms and conditions described herein, which shall supersede and replace the terms of any prior payment plan arrangement entered into the WCWD unless otherwise agreed in writing by Washington County. The Finance Office shall notify any such customers of their eligibility to participate in the new payment plan established pursuant to this amendment, and shall work with such customers to promptly convert any old payment plan arrangements into the new system described above. Failure of any such customer to respond to notice of, or to apply for, or to abide by the terms and conditions of, the new payment plan described in this amendment may be treated as grounds for termination of water services pursuant to the Ordinance and applicable law.

C. REREADS

At the request of the consumer, the WCWD will reread the consumer's meter. A fee will be charged for all rereads (see Fee Schedule). However, if the reread discloses that the meter was incorrectly read the first time, no charge will be made.

D. METER TESTING

At the consumer's request and subject to the potential charge explained below, WCWD will test the accuracy of the consumer's water meter at his / her residence (3/4-inch and 1-inch meters only). A meter is deemed accurate if it records within 1.5 % of actual usage (the American Water Works Association standard). If the meter is accurate and the meter has been tested within the previous twelve months by the WCWD, a meter testing fee will be assessed (see Fee Schedule). If the meter has under recorded water usage by more than 1.5%, there will be no service charge and the WCWD will replace the meter. If the meter has over recorded water usage by more than 1.5% the consumer will receive an adjustment on his / her bill according to the percentage that the meter is over 100% accurate.

VIII TERMINATION OF SERVICE

Not less than three days notice must be given in person or in writing to the WCWD Office to discontinue service. The user shall be responsible for all water consumed up to the time of discontinuance of service. Only the person who signed the User Agreement may make any changes to the account including termination of service.

In order to terminate services with WCWD, the (account holder) customer can call or come into the office to submit an order to terminate. The following information will be required upon request: name on account, address to terminate, customer's SSN or verification of SSN on file, date of termination, forwarding mailing address for final billing.

If the person present or calling is NOT the customer on the account, you must collect the following information: the name of the termination requestor, relation to account holder (noted on work order), customer's SSN or verification of SSN, forwarding address, date of termination. If this person is unavailable to give SSN-DO NOT terminate account until proper party has provided correct information.

If the person present or calling is a P.O.A. or Executor of an Estate, complete simple termination order, request a copy of the Power of Attorney or Executor of Estate legal document and reference requestor on work order.

IX TAMPERING WITH EQUIPMENT

It is the policy of WCWD to aggressively deter any person or entity from the theft of water or other services from WCWD.

No person, except a duly authorized employee of the WCWD or a person having written authorization from the WCWD, shall operate any equipment of the WCWD, including but not limited to shut-off valves on the meter setters, gate valves and fire hydrants, nor shall any person construct or have constructed any bypass around any meter.

X NO GUARANTEE

The WCWD does not guarantee the quality, quantity or pressure of its water supply. The WCWD shall not be liable to any consumer for damages resulting from the complete or partial disconnection of water service and no deduction shall be made from any water bill by reason of any such defect of deficiency. In every case where practicable, ample notice by the best means available shall be given when water is to be reduced or suspended in any portion of the WCWD system.

XI SUSPENSION OF SERVICE

The WCWD reserves the right to discontinue its services without notice for the following reasons:

1. To prevent fraud or abuse
2. Consumers willful disregard of the WCWD rules
3. Emergency repairs
4. Insufficiency of supply due to circumstances beyond the control of the WCWD
5. Legal procedures
6. Direction of public authorities
7. Strike, riot, fire, flood, accident or any other unavoidable cause

XII SERVICE OUTSIDE PRESENT AREA OF WATER LINES

Should an individual, builder, developer or property owner desire water service for property or properties not served by the WCWD water lines, he /she shall submit a written request for the extension of water mains which shall be evaluated by the WCWD and the request and evaluation forwarded to the Washington County Board of Commissioners for its consideration.

XIII CHANGE OF USE

If, at any time, changes are made by a consumer in his / her service requirements so as to create water quality or insufficient pressure problems in the WCWD water system, the superintendent may require the consumer to adopt remedial measures to eliminate the cause of the problem. The WCWD shall in no way be responsible for any cost or inconvenience caused by a change in service requirements after an application has been approved. For example, if a residential consumer were to change the use of the property to a commercial use and the use negatively impacted adjacent water consumers, the consumer may be required to take remedial actions, such as increasing the lateral hookup to the premises.

XIV CONNECTION AND METERS TO REMAIN PROPERTY OF THE WCWD

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

XV MAINTENANCE OF METERS AND CONNECTIONS

All standard ¾-inch and 1-inch meters and all water laterals shall be maintained by the WCWD at WCWD expense. Meters in excess of 1-inch shall remain the property of and be maintained by the consumer. All meters in excess of 1-inch must be tested every ten years to determine accuracy. This testing shall be the responsibility of and paid for by the owner.

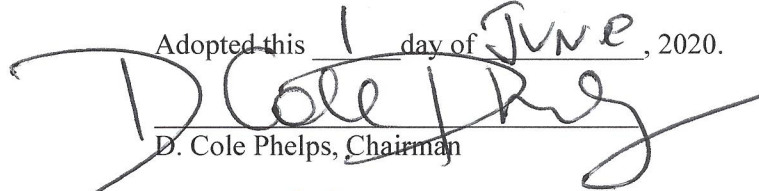
XVI PENALTIES

In addition to any other equitable or civil remedies available to Washington County, any willful violation of this Ordinance of Washington County shall also be deemed to constitute a criminal misdemeanor and shall be punishable to the fullest extent provided by law.

XVII OTHER PROVISIONS

- a. Supplemental Written Rules & Regulations: The Superintendent is hereby authorized from time to time to adopt supplemental written rules and regulations consistent with the provisions of this Ordinance in order to carry out its uniform and equitable administration; **or notwithstanding anything herein to the contrary, are consistent with and deemed necessary to comply with and enforce the minimal required terms of any Executive Orders applicable to public utilities issued by the Governor of the State of North Carolina during any declared State of Emergency.** Any such supplemental rules and regulations shall be written, signed, and dated, and shall be prominently displayed to the public at any centralized location where water bills are collected in person, and/or upon the Washington County website.
- b. Effective Date: The provisions of this Ordinance shall be deemed to be in full force and effect immediately upon its adoption by the Washington County Board of Commissioners. Upon such adoption, the provisions hereof shall be deemed to supersede, control over, and replace in their entirety as a comprehensive amendment, revision, and restatement thereof; the provisions of the Washington County Waterworks Rules & Regulations Ordinance previously adopted by the Washington County Board of Commissioners on or about August 17th, 2009 together with any and all amendments thereto which are incorporated herein by reference and which have been merged into, revised, and restated herein as part of this single Ordinance instrument.
- c. Severability: The provisions of this Ordinance are intended to be severable, and to the fullest extent permitted by law, if any provision(s) hereof shall be deemed by a court of law having jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such determination shall not affect the validity of this ordinance as a whole, or any part hereof that is not specifically determined and declared thereby to be unenforceable, invalid, or unconstitutional.
- d. Conflict of Laws or Ordinance Provisions: In the event of any conflict between the provisions of this Ordinance, or between its provisions and any other applicable statutes or laws, the more restrictive regulation shall be deemed to control in govern.

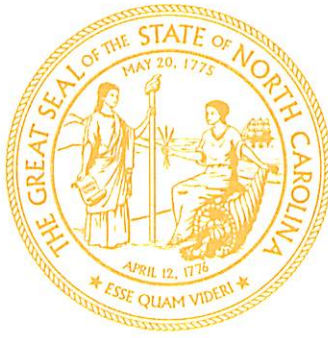
Adopted this 1 day of JUNE, 2020.


D. Cole Phelps, Chairman

Attest:


Julie J. Bennett, Clerk to the Board





State of North Carolina

ROY COOPER
GOVERNOR

March 31, 2020

EXECUTIVE ORDER NO. 124

ASSISTING NORTH CAROLINIANS BY PROHIBITING UTILITY SHUT-OFFS, LATE FEES, AND RECONNECTION FEES; PROVIDING GUIDANCE ABOUT RESTRICTIONS ON EVICTIONS; AND ENCOURAGING TELECOMMUNICATIONS PROVIDERS, BANKS, AND MORTGAGE SERVICERS TO PROVIDE ASSISTANCE AND FLEXIBILITY TO THEIR CUSTOMERS

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State’s response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 122 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, the North Carolina Department of Health and Human Services (“NCDHHS”) has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation that community spread has occurred; and

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, to mitigate further community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit person-to-person contact in workplaces and communities; and

WHEREAS, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

WHEREAS, due to the State of Emergency, many North Carolinians must stay home, many must also work from home, and many businesses have been ordered closed, to slow the spread of COVID-19, and any dislocations that require people to leave their homes increase the risk of spread; and

WHEREAS, any disruptions or dislocations that would require people to leave their homes increase the risk of spread of COVID-19; and

WHEREAS, the economic effects of the pandemic have broadly affected utility customers across the state; and

WHEREAS, utility services are essential to the continued health and safety of residential utility customers, to the ability of workers and employers to engage in teleworking, and to the continued economic viability of business utility customers, even as the economic effects of the pandemic threaten customers' ability to pay for those utility services; and

WHEREAS, on March 19, 2020, the North Carolina Utilities Commission ("Utilities Commission" or "Commission") issued an Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees; and

WHEREAS, the Utilities Commission's March 19, 2020 order applied to only some of the utilities that are necessary for the continued well-being of North Carolina residents and the continued viability of North Carolina businesses; and

WHEREAS, the undersigned has determined that it is in the best interest of the people of North Carolina to enact, for all utilities, prohibitions and restrictions similar to and consistent with the Utilities Commission's March 19, 2020 order; and

WHEREAS, during this emergency, North Carolinians rely heavily on mass media and telecommunications systems as part of multiple critical activities, including (1) the public dissemination of critical information regarding governmental orders and advisories in response to COVID-19, including stay at home orders, shifts in the public school calendar, and announcements regarding the availability of resources; (2) educational activities, as students and educators have been required to stay at home but are continuing to participate in educational and instructional activities, many of which require the use of online resources and means of communication; (3) the provision of remote tele-medicine services, as urged by NCDHHS, to preserve healthcare system capacity to address the COVID-19 pandemic; and (4) teleworking that allows many businesses, non-profits, governmental agencies, and other organizations to continue to carry out their essential functions; and

WHEREAS, to minimize the possibility of mandatory measures that may need to be taken in the future, the undersigned urges all telecommunications companies serving North Carolina customers to voluntarily provide flexibility to their customers, including through the measures set forth below; and

WHEREAS, the economic effects of the COVID-19 pandemic have led to loss of income for many in North Carolina, making it difficult for many to make timely rental housing payments, creating a risk of eviction; and

WHEREAS, evictions and disconnections of utility services would exacerbate public health and safety risks because of dislocated customers; and

WHEREAS, in orders issued on March 13 and March 19, 2020, the Chief Justice of the Supreme Court of North Carolina exercised her authority under N.C. Gen. Stat. § 7A-39(b)(2) to order most district court and superior court proceedings to be scheduled or rescheduled no sooner than April 17, 2020; and to order that pleadings, motions, notices, and other documents and papers that were or are due to be filed in any county of this state on or after March 16, 2020 and before the close of business on April 17, 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely filed if they are filed before the close of business on April 17, 2020; and to order that all other acts that were or are due to be done in any county of this state on or after March 16, 2020 and before the close of business on 17 April 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely done if they are done before the close of business on April 17, 2020; and

WHEREAS, the U.S. Department of Housing and Urban Development issued an order dated March 18, 2020, imposing a sixty (60) day moratorium on evictions and foreclosures for single family homeowners with FHA-insured mortgages; and

WHEREAS, the undersigned and the Attorney General wish to provide clear guidance to the public about the effect of the Chief Justice's order on evictions; and

WHEREAS, because of the economic effects of the COVID-19 pandemic, many North Carolinians are enduring financial hardship and financial insecurity; and

WHEREAS, the undersigned encourages North Carolina-licensed or North Carolina-regulated financial institutions, including but not limited to banks and mortgage servicers, to provide assistance and flexibility to their customers; and

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of political subdivisions, and their officers and personnel are required to cooperate with and extend such services and facilities to the undersigned upon request; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. §§ 75-14, 75-15, 114-2(2), and 114-2(8), the Attorney General has the authority to bring civil actions to enforce compliance with the State's Unfair or Deceptive Trade Practices Act, to represent State agencies in litigation, and to institute or intervene in proceedings before any courts and regulatory bodies on behalf of the State and the using and consuming public; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Gubernatorially declared State of Emergency, the undersigned has the power to “give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article”; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(3), the undersigned may take steps to assure that measures, including the installation of public utilities, are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the maintenance, extension, and operation of public utility services and facilities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a State agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

WHEREAS, under the terms of N.C. Gen. Stat. § 166A-19.70(a), utilities are considered critical infrastructure for the State of North Carolina.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Assistance for North Carolina Utility Customers

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Definitions

1. In this Section of this Executive Order, “Utility Service Providers” means all political subdivisions, organizations, quasi-governmental entities, and businesses that provide directly to end-user residential customers electric, natural gas, water, or wastewater services, as well as all providers of a combination of these services.
2. This Section applies to all Utility Service Providers, regardless whether they are investor-owned public utilities, are private companies, are member-owned cooperatives, or are owned or operated by a political subdivision of the State or a quasi-governmental agency. This Section applies whether services are pre-paid or post-paid.
3. The restrictions placed on Utility Service Providers by this Section should, in cases of any ambiguity, be interpreted to be consistent with the restrictions imposed upon certain Utility Service Providers by the North Carolina Utilities Commission in its March 19, 2020 Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees, Docket M-2, Sub 158.

B. Prohibiting utilities from terminating service. No Utility Service Provider shall terminate the service of a residential customer for nonpayment. Utility Service Providers may terminate service of a customer when necessary as a matter of safety or when requested by the customer.

- C. **Late fees and payment arrangements.** A Utility Service Provider shall not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment that becomes due from the date of this Executive Order. Customers shall be provided the opportunity to make reasonable payment arrangements to pay off over at least a six (6) month period any arrearages accumulated during the effective period of this Executive Order and any order extending this Executive Order and 180 days thereafter. The six (6) month payoff period shall be calculated from the date of termination of this Section of this Executive Order or, if other applicable Executive Orders extend the protections of this Section, from the date of termination of the last Order that extends such protections; provided, however, that Utility Service Providers subject to the Utilities Commission's March 19, 2020 Order shall remain subject to the terms of that order after this Executive Order expires. No interest or late fee shall be charged on arrearages. No provision in this Executive Order shall be construed as relieving a customer of their obligation to pay bills for receipt of any service covered by this Executive Order.
- D. **Reconnection of service.** A Utility Service Provider is encouraged to reconnect previously disconnected service to the extent practicable and waive any penalties or reconnection fees, and any policies or ordinances that prevent re-connection of disconnected customers are suspended.
- E. **Payment assistance.** NCDHHS and the North Carolina Department of Environmental Quality shall work with Utility Service Providers to publicize payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills.
- F. **Notification.** Utility Service Providers shall reasonably inform their customers of the applicable provisions contained in this Executive Order through the means those providers most typically use to communicate urgent messages to customers, such as print, email, SMS text message, Internet, and phone calls. Utility Service Providers shall maintain reasonable records that show the notifications provided under this Section of this Executive Order and to whom those notifications were delivered.
- G. **Duration.** This Section shall remain in effect for sixty (60) days, unless rescinded or superseded by another applicable Executive Order; provided, however, that after that date, the provisions of this Section shall continue to apply to arrearages that accumulated while this Executive Order was in effect.
- H. **Limitations on this Section**
1. This Section applies to all ordinary monthly (or other periodically-issued) charges for service to residential customer locations in North Carolina by all Utility Service Providers, whether for their customers' business or personal use.
 2. This Section does not apply to additional optional services ordered by customers above their usual periodic charges, including, by means of example, options or services that the customer added on or after the date of this Executive Order in addition to their normal services.
 3. This Section does not apply to issuance or collection of special fees or penalties issued to customers for unusual use, such as fines or penalties for improper disposal or charges for extraordinary discharges of wastewater.
- I. **Effect on regulations and ordinances.** The effect of any regulation, policy, or ordinance of a political subdivision or agency of the state inconsistent with this Section is hereby suspended.

- J. **Implementation and enforcement.** The undersigned directs that the North Carolina Utilities Commission monitor responses and provide assistance and guidance to Utility Service Providers, including to the extent possible Utility Service Providers not under the Commission's regulatory jurisdiction, in implementing the provisions of this Section of this Executive Order. Utility Service Providers shall report implementation information weekly to the North Carolina Utilities Commission, including the following: (1) number of accounts by type (e.g., residential or business account) for which service termination was forborne, (2) number of reconnections by type of account, (3) amount of late fees and other penalties not collected, (4) number of accounts on an extended repayment plan, (5) customer notification information, and any other information determined by the Utilities Commission. The Utilities Commission and the Attorney General shall have the authority to enforce the provisions of this Executive Order through any methods provided by current law. The Utilities Commission, and to the extent necessary for any Utility Service Providers not within the Utilities Commission's jurisdiction, the Attorney General may waive provisions in their discretion and order an effective alternative. The Commission shall provide a weekly report to the Governor's Office on implementation of this Executive Order.

Section 2. Guidance on Cable, Telecommunications, and Related Services

- A. Telecommunications, mobile telecommunications, cable, Internet, and wi-fi or wireless Internet service providers are urged to follow the guidelines outlined in Section 1 of this Executive Order, including the following measures:
1. Ceasing, for the duration of this State of Emergency, termination of customers' service for nonpayment; and
 2. Waiving any fee, charge, penalty, or interest for a late or otherwise untimely payment that has come due or becomes due during the State of Emergency; and
 3. Allowing customers to make reasonable payment arrangements to pay off, over at least a six (6) month period, any arrearages that accumulate during the effective period of this Executive Order, starting after the end of this State of Emergency; and
 4. Reconnect, to the extent feasible, practicable and appropriate, any customers who wish to be re-connected during the duration of this State of Emergency, with penalties and reconnection fees waived.
- B. In addition to the provisions included in this Section, all telecommunications service providers are urged to lift or greatly expand data caps where they have not done so already.
- C. The undersigned requests that the Attorney General convene cable, telecommunications, and related service providers in the state to identify specific and effective measures they can take individually and collectively to ensure that necessary services continue to be provided to people in the State of North Carolina to the maximum extent practicable.

Section 3. Guidance Concerning Eviction Proceedings

As guidance to North Carolinians, the undersigned highlights and explains the effect on evictions of the March 13, 2020 and March 19, 2020 orders by the Chief Justice of the North Carolina Supreme Court. The Attorney General has consulted with the undersigned on this Section of this Executive Order and joins in this guidance.

Pursuant to the Chief Justice's orders referenced above, there should be no new eviction proceedings until the orders expire. The current expiration date is April 17, 2020, unless extended by further order of the Chief Justice.

During this time period, there should also be no new rental bonds due.

The Clerks of Superior Court may, in their discretion, delay, until regular court operations resume, issuing Writs of Possession for Real Property, which are the legal documents under which sheriffs perform evictions. The undersigned and the Attorney General strongly encourage all Clerks of Superior Court to follow the spirit of the Chief Justice's order and to hold the issuance of all Writs of Possession of Real Property until April 17 or any later date subsequently ordered.

Further, the undersigned and the Attorney General strongly encourage sheriffs to delay, until regular court operations resume, the execution of any Writs of Possession for Real Property that have already been issued, consistent with the spirit of the order and in support of public health and public safety.

Finally, the undersigned and the Attorney General strongly encourage all property owners to work with tenants to the best of their abilities to implement payment plans and avoid evictions, in light of the State of Emergency in North Carolina, including cancelling pending evictions by notifying the relevant Sheriff's Office. Similarly, the undersigned and the Attorney General strongly encourage all lenders to work with property owners to the best of their abilities to provide loan payment flexibility that enables property owners to avoid evictions of tenants, in light of the State of Emergency in North Carolina.

Section 4. Assistance for Bank and Mortgage Companies' Customers

For the reasons and pursuant to the authority set forth above:

- A. The undersigned urges that all North Carolina-licensed or -regulated (i) banks, (ii) savings banks, (iii) savings and loan associations, (iv) trust companies, (v) mortgage-lenders, (vi) servicers, (vii) brokers and mortgage loan originators, (viii) consumer finance companies, (ix) check cashers, (x) money transmitters or prepaid card providers, (xi) tax refund anticipation loan facilitators, and (xii) credit unions operating in the State of North Carolina should immediately implement the following reasonable and prudent measures for individual and business customers who are North Carolina residents and can demonstrate financial hardship caused by COVID-19.
1. Waive overdraft fees.
 2. Extend new credit to creditworthy borrowers on lenient terms, subject to safety and soundness considerations.
 3. Waive late fees for credit card and other loan balances.
 4. Waive automated teller machine (ATM) fees.
 5. Increase daily ATM daily cash withdrawal limits.
 6. Increase credit card limits for creditworthy customers.
 7. Lower or waive fees on prepaid credit or debit cards.
 8. Waive early withdrawal penalties on time deposits.
 9. Offer payment accommodations, such as allowing loan customers to defer payments at no cost, extending the payment due dates or otherwise adjusting or altering terms of existing loans, which would avoid delinquencies, trigger events of default or similar adverse consequences.
 10. Cease reporting derogatory information (e.g., late payments, but not including forbearances) to credit reporting agencies for a period of ninety (90) days.

11. Ensure that customers do not experience a disruption of service if financial institutions close their physical offices. This may include shifting call centers to teleworking, making services available through Internet chat, or other electronic avenues for customers to continue to manage their accounts and to make inquiries.
 12. Alert customers to the heightened risk of scams and price gouging during the COVID-19 pandemic.
 13. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.
- B. The undersigned urges that all entities covered by Subsection A of this Section that service mortgages ("mortgage servicing entities") shall voluntarily, but immediately take actions to alleviate the adverse impact caused by COVID-19 on those North Carolina resident mortgage borrowers ("mortgagors") who attest that they are not able to make timely payments. Mortgage servicing entities are urged to take the following reasonable and prudent actions to support those adversely impacted mortgagors:
1. Forbear mortgage payments for at least 180 days from their due dates and give mortgagors the option to extend loan terms by that number of days without a lump sum payment due at the end of the forbearance period.
 2. Refrain from reporting late payments to credit reporting agencies for at least 180 days.
 3. To the extent possible under existing law, offer mortgagors an additional ninety (90) day grace period to complete trial loan modifications, and ensure that late payments during the COVID-19 pandemic do not affect their ability to obtain permanent loan modifications.
 4. Waive late payment fees and any online or telephonic payment fees for a period of ninety (90) days.
 5. Postpone foreclosures and evictions for at least ninety (90) days.
 6. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.

Section 5. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 7. Effective Date

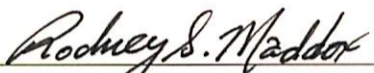
This Executive Order is effective immediately. This Executive Order shall remain in effect for sixty (60) days unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31st day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

