

FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2013 DEC 06 10:06:19 AM
BK:28876 PG:404-408
FEE:\$26.00
INSTRUMENT # 2013185405

TAYLORD



Returned to customer

ORDINANCE NO. 5219-X West Blvd./Berewick III area

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31(a) to annex the area described below; and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 28, 2013 after due notice by the Mecklenburg Times on October 4, 2013; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Charlotte as of October 28, 2013 (effective date):

LEGAL DESCRIPTION

Beginning at a point being the Northeasterly corner of a Mecklenburg County parcel identified as Mecklenburg County Tax parcel 141-171-12 as recorded in Deed Book 14350 Page 408 and as shown on Map Book 38 Page 521 and also being the Southeasterly corner of a City of Charlotte parcel identified as Mecklenburg County tax parcel 141-181-64 as recorded in Deed Book 24862 Page 123; thence in a Southeasterly direction, following along and with the Easterly boundary line of aforesaid Mecklenburg County parcel 141-171-12 and a Mecklenburg County parcel identified as Mecklenburg County tax parcel 141-171-19 as recorded in Deed Book 14350 Page 402 and also a Mecklenburg County parcel identified as 141-171-20 recorded in Deed Book 24799 Page 273, all being shown on said Map Book 38 Page 521 and being located on the Westerly margin of Interstate 485, with the following bearing and distance: 1)South 02-55-03 West 1,891.78 feet to a point, said point being the Southeasterly corner of said Mecklenburg County parcel identified as Mecklenburg County tax parcel 141-171-20; thence in a Westerly direction leaving the Westerly margin of Interstate 485, following along and with the Southerly boundary line of aforesaid parcel with the following bearing and distance as described in Deed Book 24799 Page 273, North 75-47-38 West 60.65 feet to a point in the centerline of an unnamed creek; thence following the centerline of the unnamed creek with the following 8 bearings and distances: 1)North 87-39-34 West 64.86 feet to a point; 2) South 44-57-21 West 49.97 feet to a point; 3) South 89-12-40 West 88.71 feet to a point; 4)South 65-30-05 West 50.10 feet to a point; 5)North 88-33-17 West 62.84 feet to a point; 6)North 71-12-16 West 138.42 feet to a point; 7)North 79-56-27 West 75.80 feet to a point; 8)South 79-49-41 West 63.72 feet to a point, said point being the Southwesterly corner of said Mecklenburg County parcel 141-171-20 located on the Southeastern boundary line of a Mecklenburg County parcel being identified as Mecklenburg County tax parcel 141-171-12 as shown on Map Book 38 Page 521; thence in a Southwesterly direction following along and with the boundary line of aforesaid parcel with the following bearings and distances: 1)South 29-22-03 West 219.29 feet to a point; 2)North 44-42-26 West 134.53 feet to a point, said point being the Southeasterly most corner of a Mecklenburg County parcel being identified as Mecklenburg County tax parcel 141-171-11 as recorded in Deed Book 14350 Page 402 and as shown on Map Book 38 Page 521; thence in a Southwesterly direction, following along and with the boundary line of aforesaid parcel South 82-34-38 West 1106.07 feet to a point, said point being located in the centerline of an unnamed creek at the Westerly corner of Richard M. Byrum (now or formerly) as recorded in Deed Book 3957 Page 650; thence in a Southwesterly direction following along and with the boundary line of said Mecklenburg County parcel identified as Mecklenburg County tax parcel 141-171-11 as recorded in Deed Book 14350 Page 402, being a common line with Deed Book 25663 Page 583, with the following Eight (8) bearings and distances: 1)South 82-34-38 West 21.74 feet to a point; 2)South 44-06-15 West 59.91 feet to a point; 3)along a curve to the left having an arc length of 173.82 feet , a radius of 224.50 feet, a chord bearing of South 21-55-23 West 169.51 feet to a point; 4)South 00-15-29 East 9.80 feet to a point; 5) along a curve to the right having an arc length of 240.75 feet , a radius of 275.50 feet, a chord bearing of South 24-46-35 West 233.16 feet to a point; 6)South 49-48-38 West 36.02 feet to a point; 7) along a curve to the left having an arc length of 113.63 feet , a radius of 224,50 feet, a chord bearing of South 35-18-40 West 112.42 feet to a point; 8)South 20-48-41 West approximately 120 feet to a point, said point being located 30 feet North of and normal to the centerline of Dixie River Road; thence in Westerly direction following along and with a line being 30 feet North of and parallel with the centerline of Dixie River road approximately 1,836 feet to a point of intersection with the Westerly boundary line of a Mecklenburg County parcel being identified as Mecklenburg County tax parcel 141-291-06 as recorded in Deed Book 24799 Page 269 and also being located 30 feet North of and normal to the centerline of Dixie River Road; thence in a Northerly direction

following along the aforesaid Westerly boundary line with a bearing and distance of North 14-14-24 West approximately 680 feet to a point, said point being the Northwestern corner of said Mecklenburg County parcel and being located on the Southerly boundary line of Deed Book 12002 Page 826; thence in a Northeasterly direction following along and with the Northerly boundary line of said Mecklenburg County parcel 141-291-06 as recorded in Deed Book 24799 Page 269 with the following Five (5) bearings and distances: 1) South 86-04-24 East 160.55 feet to a point; 2) North 32-57-59 East 31.04 feet to a point in the centerline of an unnamed creek; 3) North 27-34-15 East 79.33 feet to a point in the centerline of an unnamed creek 4) North 31-02-23 East 38.94 feet to a point in the centerline of an unnamed creek 5) North 37-48-08 East 7.87 feet to a point in the centerline of an unnamed creek said, point being the common corner with the Mecklenburg County parcel 141-291-06 and 141-171-11 as shown on said Map Book 38 Page 521 and being located on the Easterly boundary line of William A. Shaw Jr. (now or formerly) as recorded in Deed Book 7766 Page 186; thence in a Northeasterly direction following along and with the centerline of said unnamed creek, being a common line between William A. Shaw (now or formerly) and the Mecklenburg County parcels as shown on said Map Book 38 Page 521 approximately 2,126 feet to a point; thence in a Northerly direction, leaving the said creek and following along and with said boundary line with a bearing and distance of North 03-46-38 East 790.74 feet to a point; thence North 00-46-23 East 33.05 feet to a point, said point being a Westerly corner of said Mecklenburg County parcel 141-171-12 and the Southern boundary line of William A. Shaw, as shown on Map Book 33 Page 513, North 65-40-19 East 476.75 feet as shown on Map Book 38 Page 521 to a point; said point being a common corner of William A. Shaw and Mecklenburg County Parcels 141-171-12 and 141-181-01 as shown on Map Book 33 Page 513; thence in a Northeasterly direction following along and with the Eastern line of William A. Shaw and the Western line of Mecklenburg County Parcel 141-181-01, North 08-15-00 East 446.9 feet, as recorded in Deed Book 23229 Page 795, to a point; said point a common corner of William A. Shaw, Mary Griggs Sweet and Mecklenburg County Parcel 141-181-01 as shown on Map Book 33 Page 513 and Map Book 53 Page 849; thence following along and with the Eastern boundary line of Mary Griggs Sweet and the Western boundary line of Mecklenburg County Parcel 141-181-01 North 08-30-00 East 335.6 feet as recorded in Deed Book 23229 Page 795 to a point, said point being a common corner on the Easterly boundary line of Mary Griggs Sweet Map Book 53 Page 849; thence continuing following along and with the Eastern boundary line of Mary Griggs Sweet and the Western boundary line of Mecklenburg County Parcel 141-181-01 North 63-05-00 East 374.7 feet as recorded in Deed Book 23229 Page 795 to a point, said point being the Southwesterly corner of William H. Kelly III and the Northern most corner of Mecklenburg County Parcel 141-181-01; Thence in a Southeasterly direction, following along and with the Northeasterly boundary line of said parcel 141-181-01 South 59-45-00 East 606.08 feet to a point as recorded in Deed Book 23229 Page 795, said point being the Northerly most corner of Mecklenburg County Parcel 141-171-12; thence in a Southeasterly direction following along and with the Northeasterly boundary line of said parcel 141-171-12 with the following Two (2) bearings and distances: 1) South 59-44-12 East 163.80 feet to a point; 2) South 58-41-37 East 1251.38 feet to a point as shown on said Map Book 38 Page 521, said point being THE POINT AND PLACE OF BEGINNING.


Section 2. Upon and after October 28, 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S.160A-58.10.

Section 3. Subject to change in accordance with applicable law, the annexed territory described above shall be included in the following Council electoral district: District 3.

Section 4. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg County Board of Elections, as required by G.S. 163-288.1.

Adopted this 28th day of October, 2013.

APPROVED AS TO FORM:

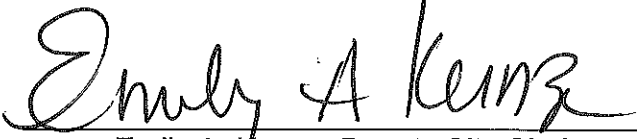


Charlotte City Attorney

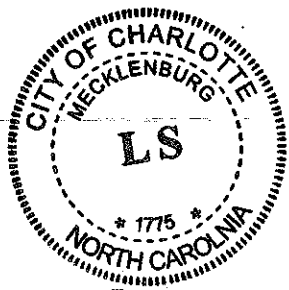
CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Pages 440-444.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.

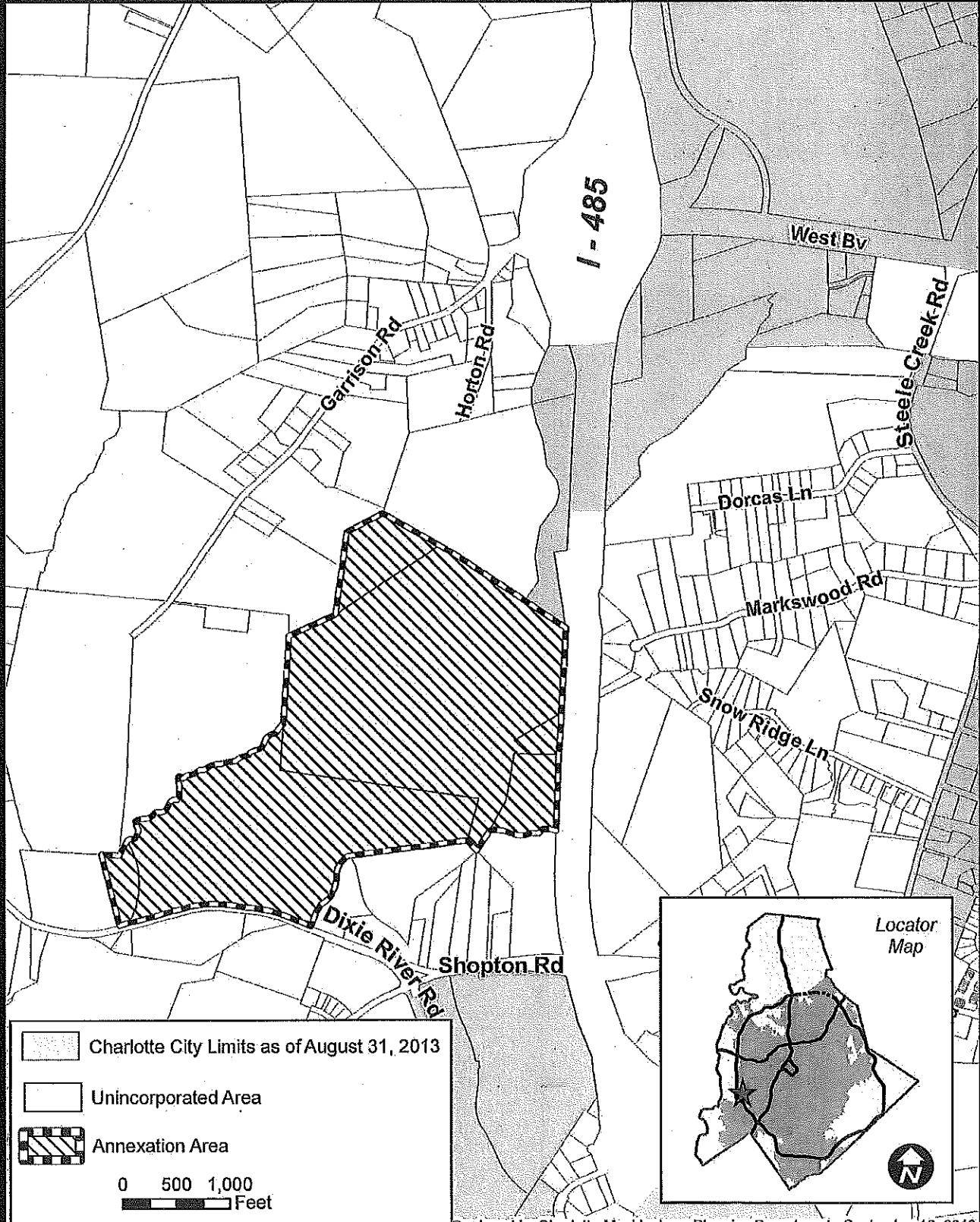


Emily A. Kunze, Deputy City Clerk



West Blvd / Berewick III

Proposed Voluntary Annexation County-Owned Property



FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2013 DEC 06 10:06:19 AM
BK: 28876 PG: 409-412
FEE: \$26.00
INSTRUMENT # 2013185406

TAYLORD



2013185406

Returned to customer

ORDINANCE NO. 5220-X Berewick Townhomes area

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31(a) to annex the area described below; and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 28, 2013 after due notice by the Mecklenburg Times on October 4, 2013; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Charlotte as of October 28, 2013 (effective date):

LEGAL DESCRIPTION

Commencing at North Carolina Geodetic Survey Control Station "Shopton", having North Carolina Grid coordinates of N:523015.06 E:1413721.99; THENCE South 68 degrees 22 minutes 41 seconds West for a horizontal distance of 5,257.74 feet to a new iron pin found on the western property line of Waters Construction Company, Inc. as recorded in Deed Book 12704 page 890 in the Mecklenburg County Registry, said iron pin having North Carolina Grid Coordinates of N:521077.68 E:1408834.21, and being the POINT OF BEGINNING; THENCE with the line of Waters Construction Company, Inc. South 09 degrees 38 minutes 57 seconds East for a distance of 208.50 feet to an existing iron pin; THENCE with a new line through Tract 1 of the Dixie River Land Company, LLC, as described in Deed Book 12704 page 894, South 06 degrees 01 minutes 04 seconds West for a distance of 615.08 feet to a point the centerline of Beaverdam Creek Tributary #2 and being on the northern property line of Dixie River Land Company, LLC, Tract 2, as described in Deed Book 12704 page 894, THENCE along the Charlotte City Limits line and with the centerline of the creek the following twenty nine (29) courses and distances: 1) South 68 degrees 07 minutes 41 seconds West for a distance of 13.30 feet to a point; 2) THENCE North 75 degrees 29 minutes 45 seconds West for a distance of 22.30 feet to a point; 3) THENCE South 89 degrees 08 minutes 54 seconds West for a distance of 57.06 feet to a point; 4) THENCE North 71 degrees 47 minutes 18 seconds West for a distance of 11.27 feet to a point; 5) THENCE South 47 degrees 18 minutes 36 seconds West for a distance of 14.67 feet to a point; 6) THENCE North 86 degrees 21 minutes 53 seconds West for a distance of 45.02 feet to a point; 7) THENCE North 61 degrees 10 minutes 54 seconds West for a distance of 42.30 feet to a point; 8) THENCE South 89 degrees 22 minutes 58 seconds West for a distance of 24.10 feet to a point; 9) THENCE North 75 degrees 59 minutes 15 seconds West for a distance of 47.16 feet to a point; 10) THENCE North 50 degrees 06 minutes 59 seconds West for a distance of 19.20 feet to a point; 11) THENCE North 00 degrees 43 minutes 01 seconds West for a distance of 15.59 feet to a point; 12) THENCE North 63 degrees 02 minutes 38 seconds West for a distance of 26.76 feet to a point; 13) THENCE North 46 degrees 54 minutes 39 seconds West for a distance of 24.27 feet to a point; 14) THENCE North 01 degrees 23 minutes 58 seconds West for a distance of 42.68 feet to a point; 15) THENCE North 39 degrees 10 minutes 17 seconds West for a distance of 13.28 feet to a point; 16) THENCE North 15 degrees 58 minutes 04 seconds West for a distance of 43.56 feet to a point; 17) THENCE North 42 degrees 43 minutes 45 seconds West for a distance of 38.27 feet to a point; 18) THENCE North 32 degrees 37 minutes 12 seconds West for a distance of 33.70 feet to a point at the northeastern corner of M/I Homes, as described in Deed Book 17365 page 310; THENCE continuing with the centerline of the creek and the northern property line of M/I Homes 19) North 62 degrees 33 minutes 43 seconds West for a distance of 104.54 feet to a point; 20) THENCE North 89 degrees 09 minutes 27 seconds West for a distance of 99.67 feet to a point; 21) THENCE South 74 degrees 36 minutes 33 seconds West for a distance of 135.63 feet to a point; 22) THENCE South 37 degrees 04 minutes 33 seconds West for a distance of 46.99 feet to a point; 23) THENCE South 71 degrees 02 minutes 33 seconds West for a distance of 150.55 feet to a point; 24) THENCE North 27 degrees 48 minutes 27 seconds West for a distance of 43.71 feet to a point; 25) THENCE North 80 degrees 48 minutes 27 seconds West for a distance of 156.94 feet to a point; 26) THENCE South 36 degrees 59 minutes 33 seconds West for a distance of 71.31 feet to a point; 27) THENCE North 47 degrees 12 minutes 27 seconds West for a distance of 124.52 feet to a point; 28) THENCE North 82 degrees 46 minutes 27 seconds West for a distance of 104.10 feet to a point; 29) THENCE North 63 degrees 30 minutes 27 seconds West for a distance of 17.65 feet to a new iron pin on the southeastern right of way of Berewick Commons Parkway, as recorded in Map Book 44 Page 491; THENCE with the right of way of Berewick Commons Parkway the following two (2) courses and distances: 1) North 20 degrees 42 minutes 22 seconds East for a distance of 111.11 feet to a point, crossing a new iron pin set at the intersection of the right of way and the SWIM buffer at 65.88 feet; 2) THENCE along a curve to the right having a radius of 820.00 feet and an arc length of 652.81 feet, being subtended by a chord of North 43 degrees 30 minutes 46 seconds East for a distance of 635.70 feet to a point, diverging from the Charlotte City Limits line at that point where the extension of the northern right of way line would intersect the western right of way line of Berewick Commons Parkway; 3) THENCE with a new line the following three (4) courses and distances: 1) North 66 degrees 19 minutes 10 seconds East for a distance of 21.03 feet to a point; 2) THENCE

along a curve to the right having a radius of 470.09 feet and an arc length of 265.08 feet, being subtended by a chord of North 83 degrees 20 minutes 09 seconds East for a distance of 261.58 feet; 3) THENCE South 88 degrees 30 minutes 33 seconds East for a distance of 331.63 feet to a point; 4) THENCE along a curve to the left having a radius of 930.00 feet and an arc length of 256.27 feet, being subtended by a chord of South 88 degrees 24 minutes 12 seconds East for a distance of 255.46 feet to the POINT OF BEGINNING.

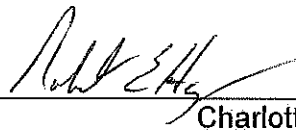
Section 2. Upon and after October 28, 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S.160A-58.10.

Section 3. Subject to change in accordance with applicable law, the annexed territory described above shall be included in the following Council electoral district: District 3.

Section 4. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg County Board of Elections, as required by G.S. 163-288.1.

Adopted this 28th day of October, 2013.

APPROVED AS TO FORM:

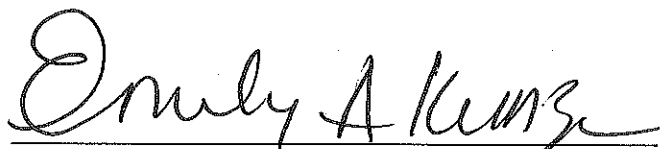


Charlotte City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Pages 445-448.

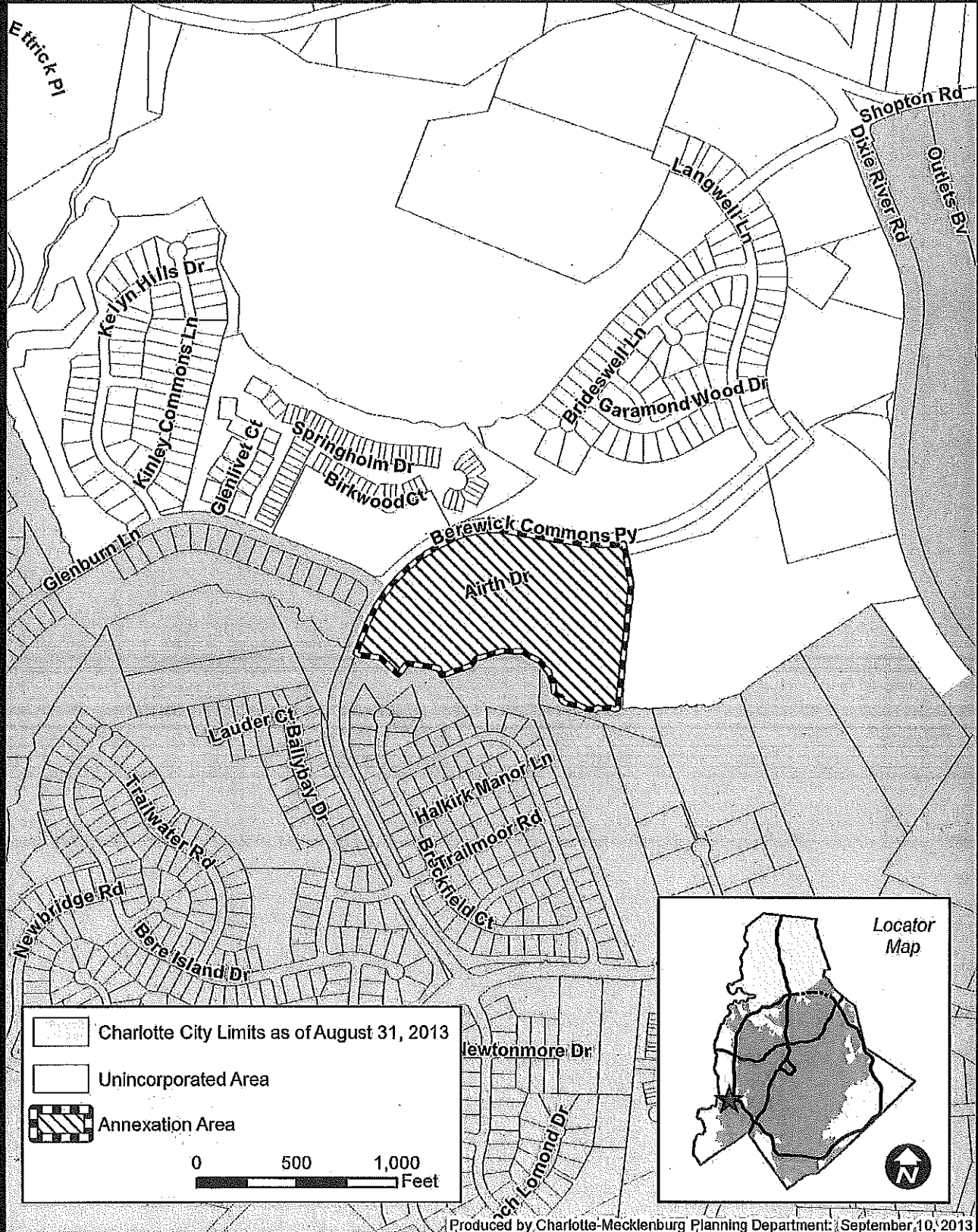
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze, Deputy City Clerk

Berewick Townhomes

Proposed Voluntary Annexation



FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2013 DEC 06 10:06:19 AM
BK:28876 PG:413-416
FEE:\$26.00
INSTRUMENT # 2013185407

TAYLORD



Returned to customer

ORDINANCE NO. 5221-X Meridale area

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF CHARLOTTE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31(a) to annex the area described below; and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 28, 2013 after due notice by the Mecklenburg Times on October 4, 2013; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Charlotte as of October 28, 2013 (effective date):

LEGAL DESCRIPTION

a portion of Tax parcel 027-171-10

Lying and being in Mallard Creek Township, Mecklenburg County, North Carolina, and being a portion of the property of Youngs Pond, LLC (Map Book 20 at Page 540, Deed Book 20251 at Pages 691, 697, 706, 711, 718, 724, 734 and 742) and being more particularly described as follows:

Commencing at USGS monument "140 JAS" having NC NAD 83 (2011) Epoch 2010.00 grid coordinates of N=594,841.18 feet and E=1,460,689.99 feet; thence a grid course of S 06°05'34" E and a ground distance of 2562.80 feet (combined grid factor = 0.99983894) to an existing 1" pipe having NC NAD 83 (2011) Epoch 2010.00 grid coordinates of N=592,293.26 feet and E=1,460,961.96 feet, the POINT OF BEGINNING; thence from the beginning point with the southern line of Amber Ridge Homeowners Association (Common Open Space, Map Book 30 at Page 635, Deed Book 11008 at Page 594) and with the current Charlotte city limits N 56°35'29" E 156.72 feet to an existing #5 rebar; thence with the line of Lot 54, Map Book 30 at Page 635, the terminus of the 50 foot public right-of-way of Azure Valley Place, Lot 55, Map Book 32 at Page 336, Lots 60-62, Map Book 30 at Page 635 and Lots 63-66, Map Book 30 at Page 829 and with the current Charlotte city limits N 56°34'37" E 726.31 feet to an existing ¾" pipe; thence with the line of Lots 32-26 and 24, Map Book 26 at Page 166 and with the current Charlotte city limits S 22°34'16" W 557.26 feet to an existing #4 rebar 2 feet below the ground surface; thence with the line of Lot 24, Map Book 26 at Page 166, the terminus of the 50 foot public right-of-way of Six Point Lane, Lots 23, 21 and 20, Map Book 26 at Page 166 and with the current Charlotte city limits S 08°27'16" E 467.83 feet to an existing axle; thence with the line of Lot 25, Map Book 32 at Page 63, the terminus of the 50 foot public right-of-way of Hedge Maple Road, Lots 61 and 62, Map Book 32 at Page 63 and Lots 63-66, Map Book 30 at Page 259 and with the current Charlotte city limits S 09°01'12" E 597.37 feet to an existing #4 rebar; thence with the line of Lots 66-68, Map Book 30 at Page 259 and with the current Charlotte city limits S 08°57'16" E 152.80 feet to an existing nail; thence with the property of Youngs Pond, LLC (Deed Book 20251 at Page 681) and with the current Charlotte city limits S 09°39'41" E 354.66 feet to an existing 1" pinched pipe; thence with the property of Wayne D. Foster and wife, Belinda D. Foster (Deed Book 3673 at Page 260 and Deed Book 4578 at Page 413) and Alice E. Foster (Deed Book 3673 at Page 260 and Deed Book 4578 at Page 411) and with the current Charlotte city limits S 09°33'08" E 450.17 feet to an existing 1 ¼" angle iron; thence with the property of Mecklenburg County (Deed Book 12860 at Page 142) S 68°38'26" W (passing an existing 1" pipe 0.23 feet south of line at 232.52 feet) a total distance of 395.94 feet to a point; thence crossing the property of Youngs Pond, LLC (Map Book 20 at Page 540, Deed Book 20251 at Pages 691, 697, 706, 711, 718, 724, 734 and 742) the following thirteen courses and distances, said following thirteen courses and distances following the common boundary line of the proposed common open space and proposed lots of Meridale – Phase 2: 1) N 21°21'34" W 25.67 feet to a point; 2) S 71°22'51" W 147.39 feet to a point; 3) S 78°59'59" W 203.39 feet to a point; 4) S 83°30'45" W 63.12 feet to a point; 5) N 78°22'17" W 130.64 feet to a point; 6) N 79°07'42" W 114.07 feet to a point; 7) N 65°50'11" W 97.44 feet to a point; 8) N 62°28'26" W 20.04 feet to a point; 9) N 59°48'09" W 72.44 feet to a point; 10) N 57°20'44" W 73.22 feet to a point; 11) N 55°00'25" W 102.53 feet to a point; 12) N 46°50'42" W 197.94 feet to a point; and 13) S 59°20'56" W 42.02 feet to a point in the line of Hucks Road Investments II, LLC (Deed Book 24845 at Page 308); thence with the line of Hucks Road Investments II, LLC (Deed Book 24845 at Page 308) N 24°11'53" W 132.83 feet to an existing stone; thence with the line of said Hucks Road Investments II, LLC and Hucks Road Investments I, LLC (Deed Book 24845 at

Page 302) N 22°15'46" W 1615.62 feet to an existing cedar stake; thence with the line of Doris Moore Maxwell, et al (Deed Book 23341 at Page 758) N 74°27'02" E 840.25 feet to an existing 3" pipe; thence with the line of Double M. Holdings, LLC (Tract 4, Map Book 4 at Page 581, Deed Book 18279 at Page 333) N 84°26'43" E 531.57 feet to the POINT OF BEGINNING containing 82.525 acres.

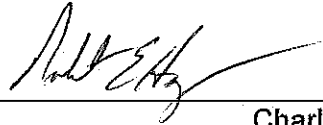
Section 2. Upon and after October 28, 2013, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Charlotte and shall be entitled to the same privileges and benefits as other parts of the City of Charlotte. Said territory shall be subject to municipal taxes according to G.S.160A-58.10.

Section 3. Subject to change in accordance with applicable law, the annexed territory described above shall be included in the following Council electoral district: District 4.

Section 4. The Mayor of the City of Charlotte shall cause to be recorded in the office of the Register of Deeds of Mecklenburg County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mecklenburg County Board of Elections, as required by G.S. 163-288.1.

Adopted this 28th day of October, 2013.

APPROVED AS TO FORM:

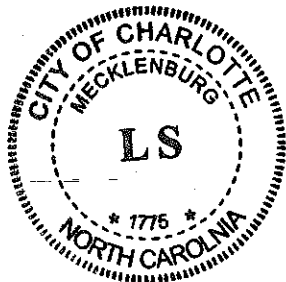


Charlotte City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Pages 449-452.

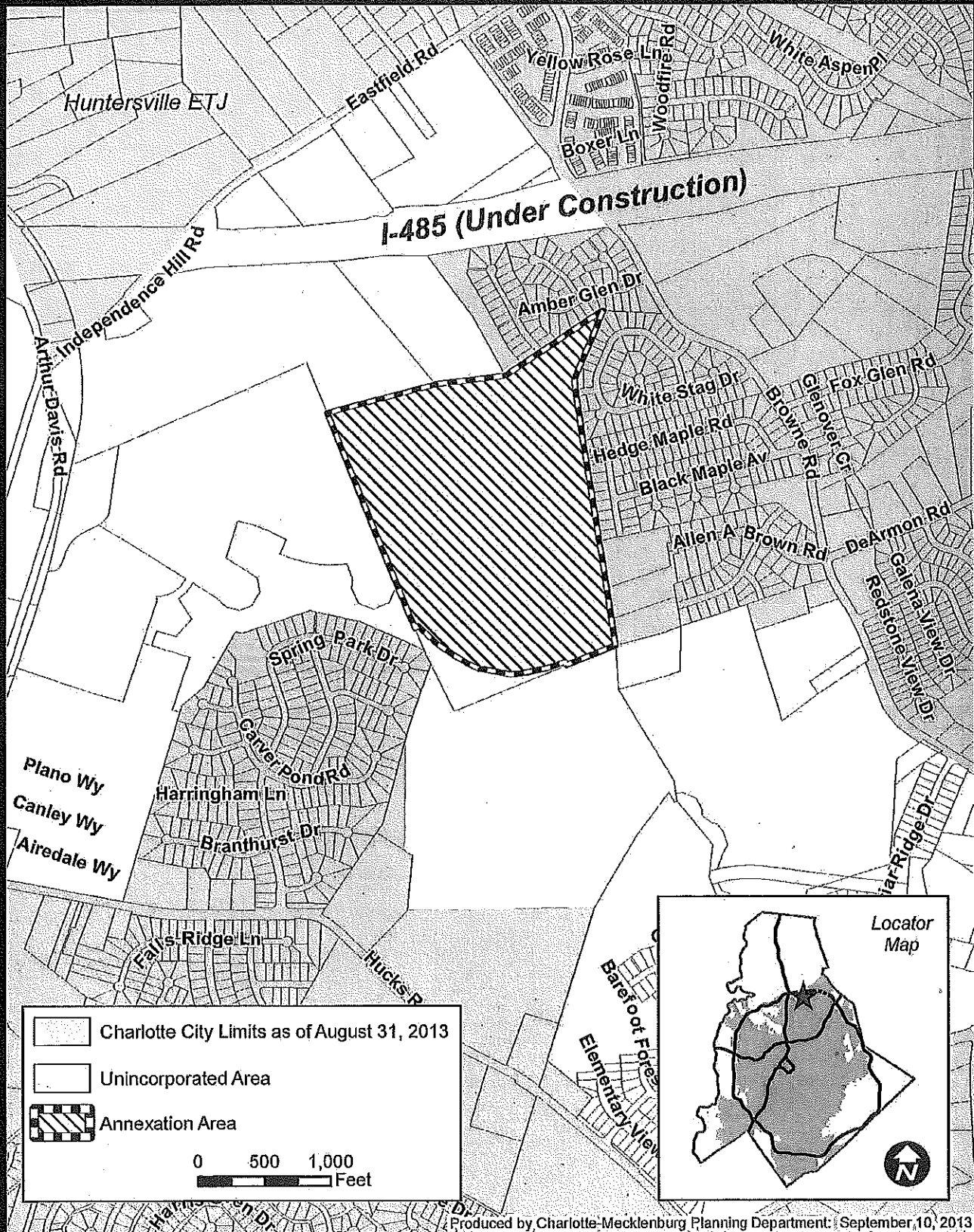
WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze, Deputy City Clerk

Meridale

Proposed Voluntary Annexation



ORDINANCE NO. 5222-X

O-25

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE
APPROPRIATING \$905,249 IN GRANT FUNDS FROM THE US DEPARTMENT OF HOMELAND SECURITY'S
2013 URBAN AREAS SECURITY INITIATIVE GRANT FUNDING

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$905,249 is hereby estimated to be available from the US Department of Homeland Security's 2013 Urban Areas Security Initiative (UASI) Grant to be used for terrorism preparedness activities such as equipment, acquisition, planning, exercise and training.
- Section 2. That the sum of \$905,249 is hereby appropriated to the Public Safety Grant Fund (0413) Center 0053359
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. As part of the FY2014 budget process \$1,494,751 was estimated and appropriated.
- Section 5. All ordinances in conflict with this ordinance are hereby repealed.
- Section 6. This ordinance shall be effective upon adoption.

Approved as to form:


City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page453.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.




Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5223-X O-26

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE APPROPRIATING \$921,783 IN ASSET FORFEITURE FUNDS FOR ELIGIBLE LAW ENFORCEMENT PROJECTS AND EXPENSES

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$921,783 is hereby estimated to be available from Police Assets Forfeiture Funds:

1. \$632,179 from 0413, Center 0044420, Account 0004137
2. \$195,000 from 0413, Center 0044480, Account 0004136
3. \$94,604 from 0413, Center 0044490, Account 0004139


Section 2. That the sum of \$921,783 is hereby appropriated to:

1. \$632,179 to Fund 0413, Center 0044420, Account 0031360
2. \$105,000 to Fund 0413, Center 0044480, Account 0032980
3. \$90,000 to Fund 0413, Center 0044480, Account 0031640
4. \$75,000 to Fund 0413, Center 0044490, Account 0031990
5. \$19,604 to Fund 0413, Center 0044490, Account 0032980

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

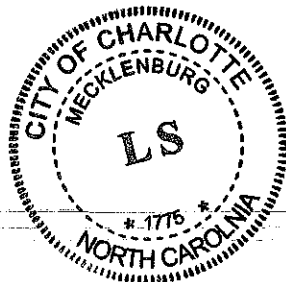


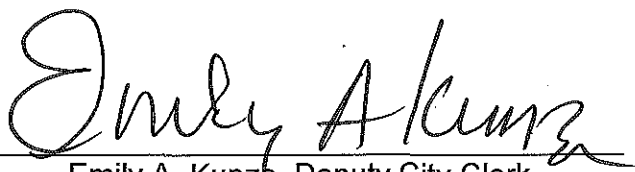
City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 454.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.





Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5224-X

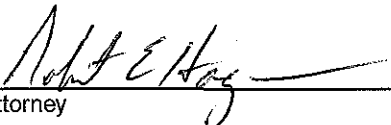
O-27

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE APPROPRIATING \$982,717 FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM TO FUND A DRIVING WHILE IMPAIRED TASK FORCE

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$982,717 is hereby estimated to be available from the Governor's Highway Safety Program
- Section 2. That the sum of \$982,717 is hereby appropriated to the Public Safety Grant Fund (0413) to Center 0045827 to fund the Driving While Impaired Task Force
- Section 3. All ordinances in conflict with this ordinance are hereby repealed.
- Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

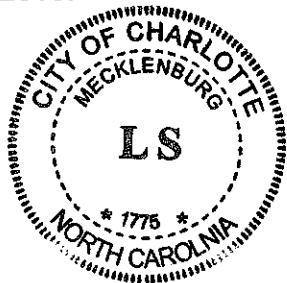


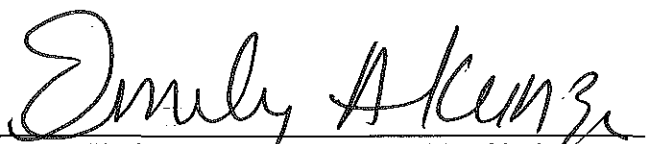
City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 455.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.





Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5225-X

O-28

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$654,249 FOR THE UPGRADE OF THE AIRPORT'S CLOSED CIRCUIT TELEVISION VIDEO SYSTEM.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$654,249 is available from the Airport Discretionary Fund for the upgrade to the Closed Circuit Television Video System

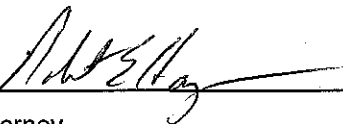
Section 2. That the sum of \$654,249 is hereby appropriated to the Aviation Capital Investment Plan Fund: 2084 - 529.88

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

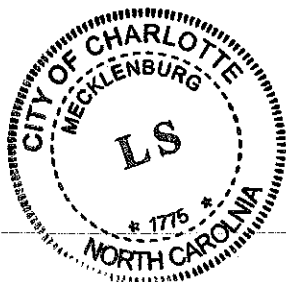


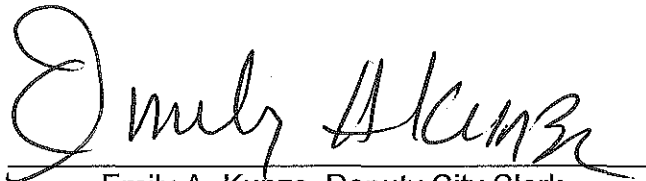
City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 456.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.





Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5226-X

O-29

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$518,310 FOR THE PURCHASE OF COMMUNICATION CONSOLES FOR THE AIRPORT CONTROL ROOM COMMUNICATIONS UPGRADE PROJECT

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$518,310 is available from the Airport Discretionary Fund for the Airport Control Room Communications Upgrade - purchase of the communication consoles

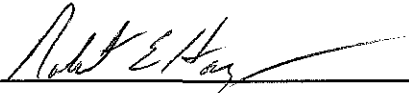
Section 2. That the sum of \$518,310 is hereby appropriated to the Aviation Capital Investment Plan Fund: 2084 - 529.77

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

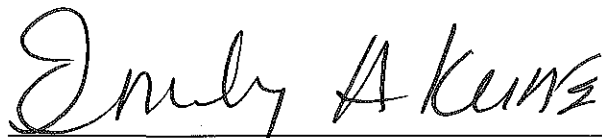
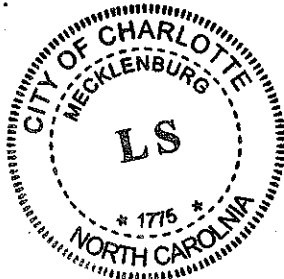


City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 457.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5227-X

O-30

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE, APPROPRIATING \$230,293 FOR THE CHANGE ORDER TO PROVIDE ADDITIONAL SITE WORK FOR THE AIRPORT'S FUTURE RENTAL CAR STORAGE FACILITY

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$230,293 is available from the Contract Facility Charge Fund for the change order to support additional site work for the Rental Car Storage Facility


Section 2. That the sum of \$230,293 is hereby appropriated to the Aviation Capital Investment Plan Fund: 2093 - 556.02

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:



City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 458.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5228-X O-31

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR RENOVATION AND EXPANSION OF RESTROOM FACILITIES IN THE BLUMENTHAL PERFORMING ARTS CENTER

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$44,100 is hereby estimated to be available from the Blumenthal Performing Arts Center
- Section 2. That the sum of \$44,100 is hereby appropriated in the General Capital Investment Fund (2010) to the Building Improvements Program (0048040).
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

City Attorney

City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 459.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5229-X O-32

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FOR A ROUNDABOUT AT THE INTERSECTION OF SHOPTON ROAD AND BEAM ROAD

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$1,125,000 is hereby estimated to be available from a Federal Highway Administration Congestion Mitigation Air Quality grant through the North Carolina Department of Transportation
- Section 2. That the sum of \$1,125,000 is hereby appropriated in the General Capital Investment Fund (2010) to the Shopton/Beam Road Intersection Project (0245036).
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

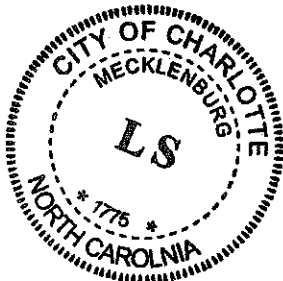
Deputy Carolyn D. Johnson

City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 460.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze

Emily A. Kunze, Deputy City Clerk

ORDINANCE NUMBER: 5230-X

AMENDING CHAPTER 23

**AN ORDINANCE AMENDING CHAPTER 23 OF THE CHARLOTTE CITY CODE
ENTITLED "WATER, SEWERS AND INDUSTRIAL WASTE DISCHARGE
RESTRICTIONS"**

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Articles I, II, and III of Chapter 23 of the Charlotte City Code are amended as depicted in Exhibit A attached hereto.

Section 2. This ordinance shall be effective upon adoption.

Approved as to form

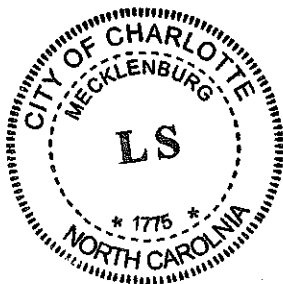


City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 461-515.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.





Emily A. Kunze, Deputy City Clerk

**Charlotte, North Carolina, Code of Ordinances >> PART II - CODE OF ORDINANCES >>
Chapter 23 - WATER, SEWERS AND INDUSTRIAL WASTE DISCHARGE RESTRICTIONS
>> ARTICLE I. - IN GENERAL >>**

ARTICLE I. - IN GENERAL

Sec. 23-1. - Definitions.

Sec. 23-2. - Deposit requirements.

Sec. 23-3. - Schedule of water and sewer rates.

Sec. 23-4. - Delivery of bills.

Sec. 23-5. - Delinquent fees and charges; conditions; notice; appeals; water service termination actions.

Sec. 23-6. - Complaints of erroneous or excessive water and/or sewer charges.

Sec. 23-7. - Charges for water or sewer service provided without prior knowledge of CMUCMUD.

Sec. 23-8. - Accrual of charges until notification to cut off service.

Sec. 23-9. - Charge for turning on or transferring account.

Sec. 23-10. - Surcharge for treatment of industrial wastes.

Sec. 23-11. - Description of service user charges for properties using other than CMUCMUD water.

Sec. 23-12. - Capacity charge.

Sec. 23-13. - Applicability of chapter.

Secs. 23-14—23-40. - Reserved.

Sec. 23-1. - Definitions.

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

Charlotte-Mecklenburg Utilities (CMUCMUD) means the Charlotte-Mecklenburg Utility Department.

Commercial users means those customers who desire water and/or sanitary sewer service for commercial use or for use in the transaction of their business.

Complete service connection means a three-quarter-inch or one-inch water service connection which consists of the connection to a public water main of a service line, a meter yoke, a meter box, required appurtenances, and a stubbed out connection point for connection of the applicant's private plumbing system. Water service connections larger than one inch consist of the connection to a public water main of a service line, a meter box or vault, piping to the property line, a valve at the property line, and other required appurtenances.

Director means the director of CMUCMUD. The director or his designated representative is authorized to act on behalf of CMUCMUD.

Late payment, fixed, means the customer service cost for processing a delinquent account listed on a delinquent account register.

Late payment, variable, means the cost of carrying outstanding balances in customer accounts.

Meter removal means the physical removal of the meter from the connections inside the meter box.

Partial service connection means connection to the water main, service line to the point of a future meter location and includes the meter box and other required appurtenances.

Temporary water users means water customers who are not the owners of the premises served and who desire water service for less than six months annually and for a given period of time.

Turnoff means the physical turnoff of the meter in the meter box.

Turnoff at main means the physical disconnection of the waterline at the water main.

Turn-on means the physical turn-on of the meter in the meter box.

Yoke removal means the physical removal of the yoke, located inside the meter box, that is used to secure the inlet and outlet pipes for meter installation.

(Code 1985, § 23-1; Ord. No. 4127, § 1, 3-9-2009)

Cross reference— Definitions generally, § 1-2.

Sec. 23-2. - Deposit requirements.

- (a) Under this chapter, deposits are not required from residential customers except those accounts which are delinquent under policies set by the city manager. Cash deposits are required from all commercial users in such amount as set by the city manager.
- (b) If any user fails to pay the amount due for water and/or sewer service, according to the requirements of section 23-5, or for stormwater service, according to the requirements of article II of chapter 18 of this Code, the city shall have the right without further notice to the user to discontinue water and/or sewer service to the user and charge against the deposit the amount due.
- (c) Any deposit will be held by the city to the credit of the customer, making the deposit as a guarantee that the bills will be paid for water and/or sewer services and for stormwater service as set forth in article II of chapter 18 of this Code. The deposit will be applied to the depositor's account balance in the order listed in section 23-3(5).
- (d) Refunds of less than \$1.00 will be withheld and will escheat to the state. Refunds will be processed upon receipt of specific written request and provision of a stamped, self-addressed envelope. No interest will be due on any amount held for a refund. Final bills for less than \$1.00 will not be issued. The city manager may designate other amounts from time to time for escheat refunds or that will not be final billed.

(Code 1985, § 23-2)

Sec. 23-3. - Schedule of water and sewer rates.

The water and/or sewer service user charge shall be a monthly charge based upon the water consumption of the property served, as measured by the water meter on the property, per 100 cubic feet of water used, except as set forth in the water and sewer rate methodology documents described in section 23-129(a). Meters will be read on a schedule set by the city manager, and water furnished shall be paid for according to the schedule of current rates, fees and charges by the following classifications:

- (1) Rates for water and sewer furnished.
- (2) Minimum fixed charge for water and for sewer per customer. The fixed customer service charge on each bill relates to providing basic servicing (e.g., meter reading, billing, etc.) of customer accounts, even if no water or sewer service is used during the billing period associated with the fixed customer service charge.
- (3) Rates for private fire lines at the customer's request and application.
- (4) Determination of rates for subsections (1) and (2) of this section shall be arrived at in accord with the water and sewer rate methodology documents and procedures described in detail in section 23-129(a);
- (5)

Payment will be applied to a customer's bill in the following order:

- a. Civil penalties assessed pursuant to this chapter;
- b. Delinquent fees for water and/or sewer;
- c. Stormwater;
- d. Sewer; and
- e. Water.

(Code 1985, § 23-3)

Sec. 23-4. - Delivery of bills.

A water and/or sewer bill will either be sent through the United States mail or delivered by an alternate method approved by the city manager, notifying all customers of the amount of the bill, the date the payment is due and the date when past due. Failure to receive a bill is not justification for nonpayment.

(Code 1985, § 23-4)

Sec. 23-5. - Delinquent fees and charges; conditions; notice; appeals; water service termination actions.

- (a) Current charges for water and/or sewer service are due when billed and are considered delinquent if not paid within 25 days of the billing date, except as otherwise approved by the city manager.
- (b) If, at the time of next billing, the account has an unpaid balance:
 - (1) A late charge of 1.5 percent will be assessed against the unpaid balance. This charge shall be called a late payment-variable charge.
 - (2) If the customer does not inform the customer service division of any complaint concerning accuracy of the bill constituting the past due balance, and if the customer does not pay the past due balance within ten days from the most recent billing date, the account is delinquent, and water service is subject to termination.
 - (3) Notice of delinquency and of CMUCMUD's intent to terminate service will be given in writing to the customer.
- (c) If payment of the past due balance is not received by the deadline specified in the notice, a charge will be assessed to cover the costs of identifying the account as delinquent and of initiating the appropriate termination procedure. This charge shall be called a late payment fixed charge.
- (d) If full payment of the past due balance is received between the specified deadline and the close of business on the workday preceding scheduled termination, a charge will be levied to recover costs associated with identifying the late payment and cancelling the termination order. This charge shall be called a delinquent processing charge and must be paid before the turnoff order will be rescinded.
- (e) If the meter is turned off for nonpayment, service will not be restored until payment of the

following charges and/or fees is received by the customer service division:

- (1) Past due water and sewer charges.
 - (2) Past due service charges.
 - (3) Late payment charges (variable and fixed).
 - (4) The delinquent fee to cover the costs of turning the meter off and on.
- (f) If the account carries a past due balance representing two or more months' bills, and if the meter was turned off during the previous delinquent cutoff cycle because of nonpayment, the meter may be removed, and the account may be finalized just as though the customer requested discontinuance of service. Any existing security deposit may be applied against the final bill. To have service restored, the customer must pay the following:
- (1) All outstanding water and sewer bills.
 - (2) All outstanding service charges.
 - (3) Late payment charges (variable and fixed).
 - (4) Meter turnoff fee.
 - (5) Meter removal and installation fee.
 - (6) New security deposit, if applicable.
- (g) Delinquent charges shall accrue for each occurrence and must be paid in addition to any outstanding amounts which may include, but are not limited to, the following:
- (1) Water and sewer bills.
 - (2) Service charges.
 - (3) Late payment charges (variable and fixed).
 - (4) Meter turnoff/turn-on delinquent fee.
 - (5) Meter removal and installation fee.
 - (6) New security deposit, if applicable.
- (h) When a customer has vacated the premises, leaving bills and/or charges unpaid, that customer will not be furnished water or sewer service elsewhere until all outstanding bills, charges and fees have been paid.
- (i) CMUCMUD is authorized to take the following other termination actions as necessary and to charge fees to recover the costs of such actions:
- (1) *Meter removal.* The physical removal of a meter following unauthorized turn-on by a customer.
 - (2) *Unauthorized meter.* The physical removal of a meter assigned to a designated service

location in the system but found in another service location.

- (3) *Unauthorized device.* The physical removal of any unauthorized device used to obtain water service along with the yoke.
- (4) *Turnoff at the main.* The disconnection of the service connection at the main to prevent the customer from installing unauthorized yokes, meters, pipes and other devices in order to obtain water services.

(j) The late payment charges (variable and fixed), the delinquent processing charge, the meter turnoff/turn-on fee, the meter removal and installation fee, as well as those fees applicable to the unauthorized obtaining of service described in subsection (i) of this section, are set forth in the schedule of current rates, fees and charges. Such charges may be reviewed and adjusted as necessary.

(k) For sewer-service-only customers:

- (1) Charges will be billed in the same manner as water charges or water and sewer charges. They shall be subject to the same time limit for payment as water charges in addition to any and all penalties provided by law, including late payment charges (variable and fixed).
- (2) CMUCMUD may cut off sewer service to the property for failure to pay sewer charges.
- (3) If service is discontinued, a delinquent fee shall be calculated which represents the actual cost of disconnection and the estimated cost of reconnection. This fee shall be called a delinquent sewer fee.
- (4) To have service restored, the customer must pay all outstanding charges and the delinquent sewer fee.

(Code 1985, § 23-5; Ord. No. 3603, § 1, 5-29-2007)

Sec. 23-6. - Complaints of erroneous or excessive water and/or sewer charges.

- (a) A customer having a grievance or complaint that a water and/or sewer bill is erroneous or excessive must file written or verbal notice with the customer service division of CMUCMUD. A reasonable opportunity will be provided to the customer to speak with a representative of the customer service division concerning such grievance or complaint prior to terminating water or sewer service or making any final determination on any adjustment, allowance or rebate. If it is determined that the amount of the bill is in error, an adjustment will be made accordingly.
- (b) If leaks are found in the customer's plumbing and CMUCMUD finds that leaky pipe fixtures caused the excessive bill, an allowance or rebate will be made for the excess for no more than two months, after evidence has been produced indicating that the leak has been stopped. The amount of such allowance or rebate will be determined as follows:
 - (1) Water: adjustment made for 50 percent of the excess.
 - (2) Sewer: adjustment made for 50 percent of the excess when water is returned to the sewer system for treatment, and 100 percent of the excess when water is not returned to the sewer system for treatment.
- (c) Notwithstanding any other provision of this article, the director may adjust a water and/or sewer bill otherwise prepared in accordance with this article in such manner and in such

amount as he determines to be just and equitable, based upon guidelines approved by the city manager.

(d)

Notwithstanding the provisions of subsection (b) of this section, no allowance or rebate shall be made pursuant to subsection (b)(1) of this section during any time that a water shortage declaration is in effect as provided in article VII of this chapter.

(Code 1985, § 23-6; Ord. No. 2274, § 1, 3-24-2003; Ord. No. 3603, §§ 1—3, 5-29-2007)

Sec. 23-7. - Charges for water or sewer service provided without prior knowledge of CMUCMUD.

(a)

If water has been obtained without the knowledge of CMUCMUD, a bill will be made against the user or customer for the estimated amount of water used or for the quantity shown to have been used by the meter. If the water was obtained through any unauthorized meter or device, such service will be terminated immediately.

(b)

If wastewater is discharged into the CMUCMUD system without the actual knowledge of CMUCMUD, a bill will be made against the user or customer for the estimated amount of the discharge or for the quantity of water shown to have been used by the meter. If the sewer service was obtained through any unauthorized device, such service may be terminated immediately.

(c)

If a stopped, broken or damaged meter has not registered the actual usage of water, an estimated bill will be calculated based on prior usage. If there is no prior usage history, an estimated bill will be calculated based on a similar type of consumer. The customer service division may establish a schedule for payment of the bill, if the customer is not able to pay such bill in full in accordance with section 23-5.

(Code 1985, § 23-7; Ord. No. 3603, § 1, 5-29-2007)

Sec. 23-8. - Accrual of charges until notification to cut off service.

Water being cut off by anyone other than CMUCMUD personnel does not relieve the customer from paying for water and/or sewer service. Charges for water and/or sewer service will be calculated and collected until CMUCMUD is notified, either in writing or in person, to cut off water service. The revenue division will collect all water and sewer service charges, as well as all interest, civil penalties and other fees authorized by this article.

(Code 1985, § 23-8)

Sec. 23-9. - Charge for turning on or transferring account.

A customer desiring either to turn on or transfer water and/or sewer service from one service location to another will be turned on or transferred for a service charge, as set forth in the schedule of current rates, fees and charges.

(Code 1985, § 23-9)

Sec. 23-10. - Surcharge for treatment of industrial wastes.

(a)

All users discharging industrial wastes into the CMUCMUD system shall be billed monthly for a surcharge, covering the entire cost to CMUCMUD of treating all wastes having a COD in excess of 500 mg/l, suspended solids in excess of 250 mg/l and ammonia in excess of 20 mg/l. The surcharge shall be levied in addition to the existing sewer service charge.

- (b) The amount of the surcharge shall be set forth in the schedule of current rates, fees and charges.
- (c) The surcharge is to be derived in accordance with the water and sewer rate methodology documents described in section 23-129. The city manager shall fix the rate to be charged during the new fiscal year at the beginning of such fiscal year for the following:
 - (1) The COD in excess of 500 mg/l discharged into the system;
 - (2) Suspended solids in excess of 250 mg/l discharged into the system;
 - (3) Ammonia in excess of 20 mg/l discharged into the system;
 - (4) An industrial waste control charge per 100 cubic feet of wastewater discharged into the system; and
 - (5) A commercial volume charge per 100 cubic feet of wastewater discharged into the system.
- (d) Pollutants of concern, and the established limit(s) for said pollutants of concern, to be surcharged are to be developed by a certified professional engineer, experienced in the methodology for determining treatment costs in wastewater treatment processes, pollutants of concern to be surcharged are to be developed in CMUCMUD's sole discretion.
- (e) The bill for such surcharge shall be prepared in accordance with sections 23-4 and 23-5 of this chapter. Such bill shall be payable as provided in section 23-5 of this chapter, and delinquent fees and charges shall be assessed and collected as set forth in section 23-5.
(Code 1985, § 23-10; Ord. No. 4127, § 2, 3-9-2009)

Sec. 23-11. - Description of service user charges for properties using other than CMUCMUD water.

- (a) For a property which uses water, all or a part of which is from a source other than the CMUCMUD water distribution system, there shall be a sewer user charge separate from, and in addition to, any charge based on the consumption of water from the CMUCMUD water distribution system. Such separate or additional sewer charges shall be measured by the quantity of water from the source, other than the CMUCMUD system, which is discharged into CMUCMUD sewers from the property.
- (b) The owner of such property shall install and maintain, at his expense, a meter to measure the quantity of water received from other than the CMUCMUD water distribution system and discharged into CMUCMUD sewers. No meter shall be installed or used for such purpose without the approval of CMUCMUD, and the property owner shall pay for water discharged into CMUCMUD sewers, as though all such water came from the CMUCMUD water distribution system.
- (c) If the property owner fails to install and maintain at his expense an approved meter, CMUCMUD shall estimate the amount of water from sources other than the CMUCMUD system which is discharged into CMUCMUD sewers from the property. This estimate will be based on records of the consumption of similar properties or operations. If no applicable records are available, a formula, based on the usage of the property, will be utilized to compute the estimated water discharged into CMUCMUD sewers; and such property owner will be billed accordingly. Such bill shall be collectible and enforceable in the same manner as any other water and/or sewer bill of CMUCMUD.

(Code 1985, § 23-11)

Sec. 23-12. - Capacity charge.

Each applicant for water or sewer service shall pay the applicable capacity charge for the type and size of service connection requested. The capacity charge shall be arrived at in accordance with the water and sewer rate methodology documents as set forth in the schedule of current rates, fees and charges.

(Code 1985, § 23-12)

Sec. 23-13. - Applicability of chapter.

This chapter shall apply to all customers and users of and to all portions of the city's water intake and treatment facilities, water distribution system, sewage treatment and disposal facilities and sewage collection system wherever located, both within and outside the corporate limits.

(Code 1985, § 23-13)

Secs. 23-14—23-40. - Reserved.

**Charlotte, North Carolina, Code of Ordinances >> PART II - CODE OF ORDINANCES >>
Chapter 23 - WATER, SEWERS AND INDUSTRIAL WASTE DISCHARGE RESTRICTIONS
>> ARTICLE II. - SEWER CONNECTIONS AND USER CHARGES >>**

ARTICLE II. - SEWER CONNECTIONS AND USER CHARGES

Sec. 23-41. - Systems operations.

Sec. 23-42. - Application for service.

Sec. 23-43. - Conditions and charges for service connection and repairs.

Sec. 23-44. - Responsibility for repair of plumbing appliances and private sewer lines.

Sec. 23-45. - Control and maintenance of meters or measuring devices.

Sec. 23-46. - Description of service user charges for users of GMUCMUD water not discharged into GMUCMUD sewer system.

Sec. 23-47. - Maintenance and extension of system.

Sec. 23-48. - Requirements for uncovering or connecting to public sewer.

Secs. 23-49—23-75. - Reserved.

Sec. 23-41. - Systems operations.

The sewage treatment and disposal facilities and sewage collection system shall be operated as, and considered to be, a single, integrated system. The amount necessary to meet the annual interest payable on the debt incurred for construction of the sewer system; the amount necessary for the amortization of the debt; and the amount necessary for repairs, maintenance and operation of the system shall comprise the user charge for sewer service collected by the city.

(Code 1985, § 23-16)

Sec. 23-42. - Application for service.

Sewer service connections will be made to premises abutting on streets having sewer mains, upon application being made by the owner, or lessee, or the authorized agent of the property to be benefitted, and upon compliance with all requirements of GMUCMUD.

(Code 1985, § 23-17)

Sec. 23-43. - Conditions and charges for service connection and repairs.

The sewer service connections within the street right-of-way belong solely to the property owner and are the responsibility of the property owner or occupant and are subject to the following:

- (1) The applicant shall designate with a marker the location of a new sewer service connection prior to the beginning of work. Where the lowest elevation of plumbing in the building is lower than the rim elevation of the nearest upstream manhole, the property owner is responsible for the installation, repair and maintenance of a backwater valve, as required by the applicable plumbing code.
- (2) The charges for making a four-inch or smaller sewer service connection shall be arrived at in accordance with the water and sewer rate methodology documents and set forth in the schedule of current rates, fees and charges.
- (3) The charges for making sewer service connections larger than four inches, or where manholes or creek crossings are required, will be determined according to the following procedure: Upon application for a sewer service connection, a design study will be made by CMUCMUD personnel to determine the cost to furnish the requested service. Payment of the determined cost is required prior to any construction work by CMUCMUD.
- (4) The property owner or user shall not perform, direct or permit the performance of any maintenance work within the street right-of-way. Maintenance work required within the street right-of-way shall be performed by CMUCMUD.
 - a. For sewer laterals that are unserviceable and are deemed to be a health hazard, CMUCMUD will bear the costs to repair or replace the service. CMUCMUD will also bear the cost of repairs due to trees existing within the street right-of-way, rodent problems and inflow and infiltration of extraneous waters.
 - b. The property owner or user will be charged the actual costs of labor, equipment and materials for repairs to service connections where it is determined by CMUCMUD that actions by the property owner or user have necessitated repairs to the service connection.

(Code 1985, § 23-18)

Sec. 23-44. - Responsibility for repair of plumbing appliances and private sewer lines.

- (a) If any plumbing appliance becomes defective or out of repair in any manner, the plumbing appliance shall immediately be restored to proper working order or replaced with a properly working appliance.
- (b) If any private sewer line becomes out of repair or clogged, the private sewer line shall be repaired or cleared of any obstruction by the property owner or occupant of the premises.
- (c) Except as provided in section 23-43, the cost of any repair or replacement required by this section shall be at the expense of the property owner or occupant.

(Code 1985, § 23-19)

Sec. 23-45. - Control and maintenance of meters or measuring devices.

All meters or other measuring devices installed or required to be used under this article shall be under the control of CMUCMUD, except as provided in section 23-86(a). The owner of the

property where the measuring device is installed shall be responsible for its maintenance and safekeeping, and all maintenance and repairs will be made at the owner's expense, including, without limitation, such calibrations as may be required by CMUCMUD.

(Code 1985, § 23-20)

Sec. 23-46. - Description of service user charges for users of CMUCMUD water not discharged into CMUCMUD sewer system.

(a)

If a customer is charged for sewer service and uses water from the CMUCMUD water distribution system that is not discharged into the CMUCMUD sewer system for an industrial or commercial purpose, the quantity of water so used, and not discharged into the sewer system, shall be excluded from the calculation of the sewer service charge, provided the quantity of water so used and not discharged into the CMUCMUD sewer system is measured by a device which is approved by CMUCMUD and is installed and maintained at the owner's expense and provided that the water supply of such property is metered, and the owner pays for such water at the current metered rate.

(b)

The sewer customer will pay a user charge based on water consumption. The charge is computed according to the water and sewer rate methodology documents using the quantity of water actually discharged into the CMUCMUD sewer system. If, in the opinion of CMUCMUD, it is not practical to install a measuring device to determine the quantity of water discharged into the sewer system, CMUCMUD may calculate the percentage of metered water discharged into the sewer system. The quantity of water used to determine the sewer service charge shall be the percentage so calculated of the quantity measured by the water meter.

(c)

Any dispute as to such calculation shall be submitted to the city manager after notice of the estimate is received. The city manager's decision on the matter shall be final.

(Code 1985, § 23-21)

Sec. 23-47. - Maintenance and extension of system.

The sewer system shall be maintained by CMUCMUD and extended and enlarged from time to time, in accordance with applicable law.

(Code 1985, § 23-22)

Sec. 23-48. - Requirements for uncovering or connecting to public sewer.

It shall be unlawful for any person to uncover any portion of the CMUCMUD sewer system for any purpose or to make connection with the CMUCMUD sewer system, except with the consent and under the supervision of CMUCMUD. No connection with the main sewer trunk lines shall be made without a special permit. It shall be the duty of CMUCMUD to ensure full compliance with this section in relation to connections.

(Code 1985, § 23-23)

Secs. 23-49—23-75. - Reserved.

>> ARTICLE III. - WASTEWATER DISCHARGE RESTRICTIONS >>

ARTICLE III. - WASTEWATER DISCHARGE RESTRICTIONS

- Sec. 23-76. - Purpose and policy.
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- Sec. 23-96. - Other available remedies.
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- Sec. 23-98. - Affirmative defenses to discharge violations.
- Sec. 23-99. - Damage, destruction of and tampering with equipment or materials.
- Secs. 23-100—23-125. - Reserved.

Sec. 23-76. - Purpose and policy.

- (a) This article sets forth uniform requirements for discharges to the POTW and enables the city and CMUCMUD to comply with all applicable state and federal laws.
- (b) The objectives of this article are to:
 - (1) Prevent the introduction of pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) Prevent the introduction of pollutants into the wastewater which will pass through the POTW, inadequately treated, into receiving waters or any waters of the state or otherwise be incompatible with the POTW;
 - (3) Improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;
 - (4) Protect the POTW personnel who may be affected by wastewater, gases, sludge, or effluent in the course of their employment as well as protect the general public; and
 - (5) Enable the city to comply with its NPDES and nondischarge permits conditions, sludge use and disposal requirements and any other federal and/or state laws to which the POTW is subject.
- (c)

This article provides for the regulation of discharges to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for all users. This article authorizes monitoring and enforcement activities and requires user reporting.

(d)

Except as otherwise provided, CMUCMUD shall administer, implement and enforce this article.

(Code 1985, § 23-41)

Sec. 23-77. - Definitions.

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

Act and *the act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC 1251 et seq., as amended.

Ammonia (NH₃) means a nitrogen compound found in wastewaters, usually expressed as a concentration (milligrams per liter or mg/l).

Approval authority means the director of the Division of Water Quality Resources of the North Carolina Department of Environment and Natural Resources or his designee.

Authorized representative of the user means as follows:

(1)

If the user is a corporation, authorized representative means:

a.

The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

b.

The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2)

If the user is a partnership or sole proprietorship, an authorized representative means a general partner or proprietor, respectively.

(3)

If the user is a federal, state, or local government facility, an authorized representative means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or the designee.

(4)

The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is delivered to and received by the director.

(5)

If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility,

or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to director prior to or together with any reports to be signed by an authorized representative.

Biochemical oxygen demand, five-day (BOD₅), means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, for five days at 20 degrees Celsius, usually expressed as a concentration (milligrams per liter or mg/l).

Boiler blowdown means the minimum discharge of recirculating water from a boiler for the purpose of discharging materials contained in the water, the further buildup of which would cause concentrations in amounts exceeding limits established by best engineering practice.

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Bypass means the intentional diversion of waste streams from any portion of one or more of the following user's facilities:

- (1) Treatment;
- (2) Metering; or
- (3) Monitoring facilities.

Carbonaceous biochemical oxygen demand, five-day (cBOD₅), means the quantity of oxygen utilized in the biochemical oxidation of the carbonaceous compounds in organic matter under standard laboratory procedures, usually expressed as a concentration (milligrams per liter or mg/l).

Categorical standards and *national categorical pretreatment standards* mean national categorical pretreatment standards or pretreatment standards.

Chemical oxygen demand (COD) means the measure of the content of organic matter that is susceptible to oxidation by a strong chemical oxidant, usually expressed as a concentration (milligrams per liter or mg/l).

Control authority means Charlotte-Mecklenburg Utility Department (CMUCMUD).

Domestic sewage and *domestic wastewater* mean the liquid waste generated from bathrooms, toilet rooms, kitchens and home laundries and other similar facilities.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency or, where appropriate, the term may be used as a designation for the administrator or other duly authorized official of the agency.

Food service establishment means any user engaged primarily or incidentally in the preparation of food for human or animal consumption, unless specifically excluded in this definition. The term "food service establishment" does not include any user discharging domestic wastewater from premises used exclusively for residential purposes, so long as the wastewater discharged by such user complies with section 23-79(a) and (b)(2), (6) and (16) of this article. The term "food service establishment" includes restaurants, motels, hotels, cafeterias, hospitals, schools, bars, delicatessens, meat processing operations, bakeries, and similar operations.

Grab sample means a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

Grease includes oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not. These are substances that may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (zero degrees and 65 degrees Celsius).

Grease interceptor and *grease trap* mean a device utilized to effect the separation of grease and oils from the wastewater effluent of a user. Such traps or interceptors may be of the outdoor or underground type normally of a 1,000-gallon capacity or more, or the under-the-counter package units which are typically less than 100-gallon capacity. For the purpose of this definition, the terms

"trap" and "interceptor" are used interchangeably.

Grit interceptor means a chamber or other device in a wastewater line which causes the velocity of the flow of wastewater to be reduced so that grit and other heavier solids can settle to the bottom of the device for removal.

Holding tank waste means any waste from holding tanks, including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Indirect discharge means the discharge or the introduction of nondomestic wastewater or pollutants from any source, regulated under section 307(b), (c), or (d) of the act (33 USC 1317), into the POTW, including holding tank waste discharged into the system.

Industrial pump and haul waste means pump and haul waste containing industrial waste.

Industrial user (IU) means any person who is a source of indirect discharge.

Industrial waste means nondomestic wastewater, including, but not limited to, process or operational wastewater, groundwater remediation discharges, contaminated stormwater or surface water remediation discharges, and any other nondomestic liquid waste from industrial and commercial establishments.

Interference includes, but is not limited to means a discharge which, alone or in conjunction with discharges from other sources, inhibits and/or disrupts the POTW collection system; its treatment processes and/or operations; and/or its sludge processes, use and/or disposal, which causes or contributes to a violation of any requirement of the Control Authority's and/or POTW's NPDES, collection system permits or non-discharge permits, or to the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent state or local regulations: section 405 of the act (33 USC 1345), or any criteria, guideline or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA), or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to title IV of the Solid Waste Disposal Act, applicable to the method of disposal or use employed by the POTW.

~~*Interference* includes, but is not limited to, a discharge which alone or in conjunction with discharges from other sources causes, in whole or in part, a violation of one or more of the city's NPDES permits and/or nondischarge permits, and/or to the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: section 405 of the act (33 USC 1345), or any criteria, guideline or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA), or more stringent state criteria, including those contained in any state sludge management plan prepared pursuant to title IV of the Solid Waste Disposal Act, applicable to the method of disposal or use employed by the POTW.~~

Local control document (LCD) means a document issued by CMUCMUD allowing discharge of wastewater into the POTW in accordance with this article.

Medical waste means isolation wastes, infectious agents, human blood, blood products, other body fluids, pathological wastes, sharps, body parts or tissue, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National Pollutant Discharge Elimination System permit and *NPDES permit* mean a permit issued pursuant to section 402 of the act (33 USC 1342) or pursuant to G.S. 143-215.1 by the state under delegation from the Environmental Protection Agency.

National prohibited discharge standard, prohibitive discharge standard and *prohibited discharges* mean absolute prohibitions against the discharge of certain substances. These prohibitions appear in section 23-79 of this article and are developed under the authority of section 307(b) of the act and 40 CFR 403.5.

New source means:

(1)

Any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

a.

The building, structure, facility, or installation is constructed at a site at which no other source is located;

b.

The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c.

The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2)

Construction that has commenced if the owner or operator has:

a.

Begun or caused to begin, as part of a continuous on-site construction program:

1.

Any placement, assembly, or installation of facilities or equipment; or

2.

Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b.

Entered into a binding contractual obligation for the purchase of facilities which are or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(3) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b or (1)c of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

Noncontact cooling water and *noncontact cooling wastewater* mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nondischarge permit means a permit issued by the state pursuant to G.S. 143-215.1 for a system or facility not discharging to the surface waters of the state.

Nondomestic sewage/wastewater means the liquid waste from sources not domestic in nature.

Oil means any mineral, animal, vegetable or synthetic pollutant that has the following, general characteristics: slippery, combustible, viscous, liquid or liquefiable at room temperature, and soluble

in various organic solvents, such as ether, but not in water.

Oil/water separator means a device designed to separate and retain oils and other light density, volatile liquids from wastewater for proper disposal, rendering or recycling. For purposes of this article, an oil/water separator must have two access ports to allow proper inspection, sampling and cleaning.

Pass through means a discharge which exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with discharges from other sources, may cause a violation, including an increase in the magnitude or duration of a violation, of any requirement, or limit established in the Control Authority's (and/or POTW's, if different from the Control Authority) NPDES, collection system, or non-discharge permit or any downstream water quality standard even if not included in the permit.

~~*Pass through* means a discharge which exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of any requirement and/or limit established in the city's NPDES permit and/or nondischarge permit and/or of any standard established in a downstream water quality standard.~~

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

pH means a measure of the acidity or alkalinity of a substance, expressed as standard units and calculated as the logarithm of the reciprocal of the concentration of the hydrogen ions in grams per liter of solution.

Pollutant means any waste as defined in G.S. 143-213.18, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial waste, municipal waste, agricultural waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD₅, cBOD₅, NH₃, COD, toxicity, metals or odor).

Pollutants of concern (POC) means any pollutant which might reasonably be expected to be discharged to the POTW in quantities which could pass through or interfere with the POTW, contaminate the sludge, or jeopardize any POTW worker's health and/or safety.

Pretreatment and/or treatment mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants. For the purposes of this article, equalization of flow shall be considered pretreatment.

Pretreatment program means the program for the control of pollutants introduced into the POTW in compliance with 40 CFR chapter 1, subchapter N, part 403.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on or accepted by the user.

Pretreatment standards and standards mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Publicly owned treatment works (POTW) means a treatment works or a combination thereof, as defined by section 212 of the act (33 USC 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature; any conveyances which convey wastewater to the POTW treatment plant; plant and sewer maintenance personnel; and microorganisms associated with the treatment process itself.

Publicly owned treatment works treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pump and haul waste means excess sludge from domestic septic tank systems, biological treatment plants with an NPDES permit and/or wastewater from portable sanitary privies, including domestic sewage and/or industrial waste.

Receiving water means the specific waters of the state receiving the effluent discharged from the POTW treatment plant.

Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user (SIU) means any user of the POTW who:

- (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling, and boiler blowdown wastewater, or
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS, and NH3; or
- (3) is required to meet a national categorical pretreatment standard; or
- (4) Is found by CMUD, the Division of Water Quality or the Environmental Protection Agency to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.
- (5) Subject to Division approval under 15A NCAC 02H .0907(b), the Control Authority may determine that an Industrial User meeting the criteria in paragraphs (1) and (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a Significant Industrial User.
- (6) Subject to Division approval under 15A NCAC 02H .0907(b), the control Authority may determine that an Industrial User meeting the criteria in paragraph (3) above meets the requirements of 40 CFR Part 403.3(v)(2) and thus is a Non-Significant Categorical Industrial User.
- (7) Subject to Division Approval under 15A NCAC .0907(b), the Control Authority may determine that an Industrial User meeting the requirements of paragraph (3) above meets the requirements of 40 CFR Part 403.12(e)(3) and thus is a Middle Tier Significant Industrial User. Sampling and inspection requirements may be cut in half as per 40 CFR Parts 403.8 (f)(2)(v)(C) and 403.12(e)(3)

Significant industrial user (SIU) means any user of the POTW who:

- (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW, excluding sanitary, noncontact cooling, and boiler blowdown wastewater;
- (2) Contributes more than five percent of any design or treatment capacity to the POTW treatment plant which receives the discharge;
- (3) Is required to meet a national categorical pretreatment standard; or
- (4) Is found by CMUCMUD, the Division of Water Quality or the Environmental Protection Agency to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

Significant noncompliance or SNC is the status of noncompliance of a SIU when one or more of the following criteria are met. Additionally, any Industrial User which meets the criteria in Section 23-77, Significant noncompliance (3) (4) or (8) shall also be SNC.

(1) Chronic violations of wastewater permit discharge limits, defined as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter (not including flow) during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits as defined by 40 CFR Part 403.3(1);

(2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the a numeric pretreatment standard or requirement including instantaneous limits as defined in 40 CFR part 403.3 (1) multiplied by the applicable TRC (TRC = 1.4 for BOD₅, TSS, fats, oil and grease, and 1.2 for all other pollutants except flow and pH). TRC violations for pH are those measurements less than or equal to 5 S.U. or greater than or equal to 12.5 S.U., unless defined differently in a wastewater discharge permit issued by CMUD;

(3) Any other violation of a pretreatment Standard or Requirement as defined by 40 CFR Part 403.3(l) (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the general public.;

(4) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW's or Control Authority's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) and section [23-95 of this SUO] to halt or prevent such a discharge.;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.;

(6) Failure to provide, within [45] days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, or reports on compliance with compliance schedules.;

(7) Failure to accurately report noncompliance.; or

(8) Any other violation or group of violations which the Control Authority and /or the POTW determines may adversely affect the operation or implementation of the local pretreatment program to include, but not be limited to, any violation of this article or permit issued in accordance with the city's pretreatment program.

Significant noncompliance means a status of a user's noncompliance as follows:

- (1) Chronic violations of wastewater permit discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six month period exceed, by any magnitude, the daily maximum limit and/or the monthly average limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the monthly average limit multiplied by the applicable TRC (TRC = 1.4 for BOD₅, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH). TRC violations for pH are those measurements less than or equal to 5 or greater than or equal to 12.5, unless defined differently in a wastewater discharge permit issued by CMUD.
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the general public.

- (4) ~~Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.~~
- (5) ~~Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local mechanism or enforcement order for starting construction, completing construction, and/or attaining final compliance.~~
- (6) ~~Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and/or reports on compliance with compliance schedules.~~
- (7) ~~Failure to accurately report noncompliance.~~
- (8) ~~Any other violation or group of violations which GMUCMUD determines will adversely affect the operation or implementation of the local pretreatment program to include, but not be limited to, any violation of this article and/or permit issued in accordance with the city's pretreatment program.~~

Slug load or discharge means any discharge at a flow rate and/or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 23-79.

Standard Industrial Classification (SIC) means a classification pursuant to the current Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

State means the state department of environment and natural resources or any duly authorized representative thereof.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids and total suspended solids (TSS) mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by approved laboratory filtering methods.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in the regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, section 307(a), or other acts.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, and/or careless or improper operation.

User means any person who contributes, causes or permits the contribution of wastewater into the POTW or proposes such a contribution.

Vehicle wash facility means a facility used to clean vehicles or equipment using water and/or cleaning compounds, with the resulting wastewater discharged directly or indirectly into the POTW.

Wastewater means the liquid and water-carried, industrial and/or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and/or institutions together with any groundwater, surface water, and/or stormwater that may be present, whether treated or untreated, which are contributed to or permitted to enter the POTW.

Wastewater discharge permit means the permit required by section 23-87 of this article.

Water pollution means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

(Code 1985, § 23-43; Ord. No. 4127, § 3, 3-9-2009)

Cross reference— Definitions generally, § 1-2.

Sec. 23-78. - Abbreviations.

As used in this article, the following abbreviations shall have the designated meanings:

BMR	Baseline monitoring report
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
gpd	Gallons per day
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
µg/l	Micrograms per liter
mgd	Million gallons per day
NH ₃	Ammonia-nitrogen
NOV	Notice of violation
NPDES	National Pollutant Discharge Elimination System
SWDA	Solid Waste Disposal Act, 42 USC 6701 et seq.
TSS	Total suspended solids
USC	United States Code

(Code 1985, § 23-44; Ord. No. 4127, § 4, 3-9-2009)

Sec. 23-79. - Prohibited discharge standards.

(a)

General prohibitions. No user shall discharge or cause to be discharged into the POTW any pollutant or wastewater which causes interference or pass through. The general prohibitions in this section apply to all users of the POTW.

(b)

Specific prohibitions. No user shall discharge or cause to be discharged into the POTW the following:

(1)

Any pollutants which, either alone or by interaction with other pollutants, create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

(2)

Solid or viscous pollutants, fats, oils, or greases from animal or vegetable origin in amounts which may cause obstruction to the flow or other interference in the POTW.;
~~Solid or viscous pollutants in amounts which may cause obstruction to the flow or other interference in the POTW.~~

(3)

Any wastewater having a pH less than 6.0 or greater than 12.0, or having any other

- corrosive property capable of causing damage or hazard to the POTW.
- (4) Pollutants, including oxygen demanding pollutants (cBOD₅, BOD₅, COD, etc.), released in a discharge at a flow volume, flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
 - (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other pollutants, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (6) Any pollutant released in a discharge at a flow volume, flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, may cause the POTW's effluent or any product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and recycling or to interfere with the reclamation process. In no case shall a substance discharged to a POTW cause the POTW to be in noncompliance with applicable local, state or federal sludge use or disposal guidelines.
 - (7) Any pollutant released in a discharge at a flow volume, flow rate and/or pollutant concentration, which will, either singly or by interaction with other pollutants, cause the POTW to violate any of its NPDES and/or state disposal system permits or the receiving water quality standards.
 - (8) Any discharge having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius) or which will inhibit biological activity in the POTW treatment plant resulting in interference but, in no case, a discharge which causes the temperature at the introduction into the POTW treatment plant to exceed 40 degrees Celsius (104 degrees Fahrenheit).
 - (9) Any pollutant which results in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
 - (10) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by CMUCMUD in compliance with applicable state or federal regulations.
 - (11) Any discharge at a flow rate which will cause interference with the POTW.
 - (12) Any pump and haul waste, except at discharge points designated by CMUCMUD in accordance with section 23-81 of this article.
 - (13) Any waste stream which imparts color and passes through the POTW treatment plant, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the POTW treatment plant's effluent, thereby violating any state or federal regulations pertaining to the effluent from the plant or the receiving water.
 - (14) Stormwater, surface water, groundwater, artisan well water, roof runoff, subsurface drainage, and swimming pool drainage, unless specifically authorized by CMUCMUD.
 - (15) Any removed substances to include, but not be limited to, sludges, screening, or other residues from the pretreatment of wastewater.
 - (16) Petroleum oil, nonbiodegradable cutting oil, synthetic oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (17) Any indirect discharge which, alone or in combination with other wastewater, causes

the treatment plant effluent to violate state water quality standards for toxic substances as described in 15 A NCAC 2B .0200.

(18) Any pollutant that will emulsify grease or oil or cause grease or oil to solidify or become more viscous.

(19) At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be neither more than five percent nor any single reading over ten percent of the lower explosive limit (LEL).

(20) Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer, except as may be specifically authorized by CMUDD.

(c) *Processing and storage.* Pollutants, substances or wastewaters prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

When CMUDD determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, CMUDD shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with section 23-95; and

(2) Take appropriate actions in accordance with article III, and the sections contained therein, for such user to protect the POTW from interference or pass through.

(d) *National categorical pretreatment standards.* Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR chapter 1, subchapter N, parts 405—471:

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, CMUDD may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, CMUDD shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the pretreatment standard.

(4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(e) *Specific pollutant limitations.* An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following average discharge limits:

CBOD	250.0	mg/l
COD	500.0	mg/l
TSS	250.0	mg/l
NH ₃	25.0	mg/l
Ammonia as N	20.0	mg/l
Arsenic	0.003	mg/l

Cadmium	0.003	mg/l
Chromium	0.05	mg/l (total chromium)
Copper	0.061	mg/l
Cyanide	0.015	mg/l
Lead	0.049	mg/l
Mercury	0.0003	mg/l
Nickel	0.021	mg/l
Silver	0.005	mg/l
Total Petroleum hydrocarbons	100.0	mg/l
Zinc	0.175	mg/l

Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading are not exceeded for particular pollutants of concern.

User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. CMUCMUD may impose mass based limits in addition to, or in place of concentration based limits.

(Code 1985, § 23-45; Ord. No. 4127, § 5, 3-9-2009)

Sec. 23-80. - Oil and grease; grit.

(a)

Every food service establishment shall properly install, operate and maintain on its premises at its expense one or more grease interceptors or other facilities approved by CMUCMUD to prevent the discharge of oil or grease into the POTW. CMUCMUD may require any user to install on its premises at its expense one or more grease interceptors or other facilities approved by CMUCMUD, if CMUCMUD determines that the user has violated, or has the potential to discharge oil and grease into the POTW in violation of, section 23-79(a) or (b)(2), (6) or (16).

(b)

Every user with the potential to discharge one or more of the following pollutants into the POTW, as determined by CMUCMUD, shall be required to install an oil/water separator and grit interceptor approved by CMUCMUD: oil, kerosene, gasoline, naphtha, wax, trisodium phosphate and any light-density and volatile liquid. Substances that will emulsify oil or grease shall not be used in any oil/water separator required by this section.

(c)

Every user required to install an oil/water separator shall install a grit interceptor approved by CMUCMUD. Every vehicle wash facility shall install an oil/water separator and a grit interceptor approved by CMUCMUD. A grit interceptor required by this section or other applicable law shall be installed in a drainage line so that wastewater flows into the grit interceptor before entering an oil/water separator installed in accordance with this article.

(d)

Wastewater, grease, grit and other materials removed in any manner from facilities required by this section or other applicable law shall be disposed of in accordance with applicable law and shall not be discharged directly or indirectly into the POTW or otherwise placed back into such facilities under any circumstances.

(e)

A vehicle wash facility shall be designed, constructed, operated and maintained to prevent any direct or indirect entry of stormwater into the POTW.

(f)

Grease interceptors, oil/water separators, grit interceptors and other approved facilities required by this section or other applicable law shall be cleaned, maintained and repaired regularly, as needed, by the user at its expense. The user shall maintain records in conformance with section 23-91(o) of this article concerning the dates and manner of its inspection, maintenance and repair of such facilities; and of its disposal of all wastewater, grease, oil, grit and other materials removed from such facilities in accordance with applicable

law.

- (g) Grease interceptors, oil/water separators, grit interceptors other approved facilities required by this section or other applicable law shall be designed and installed so that all portions are easily accessible for inspection, maintenance and sampling of the effluent from such facilities.
- (h) Every user required by this section or other applicable law to install grease interceptors or other approved facilities shall adopt and implement procedures for handling sources of floatable oils, fat or grease generated by the user so that such pollutants are not discharged into the POTW in violation of this article. Notice of such procedures shall be permanently posted on the user's bulletin board or other prominent place.
- (i) Every user required by this section or other applicable law to install oil/water separators shall adopt and implement procedures for the operation thereof. Notice of such procedures shall be permanently posted on the user's bulletin board or other prominent place.
- (j) Every user required to install grease interceptors or other approved facilities by this section or other applicable law shall adopt and implement a plan to minimize the amount of grease, oil and waste food used or generated by the user.
- (k) Every user required to install oil/water separators by this section or other applicable law shall adopt and implement a waste control plan based on best management practices for the disposal of grease, oils, solids and sludge removed from oil/water separators.
- (l) Construction standards providing for the application of the requirements of this section to specific situations may be approved by the council. Such standards shall be enforced by CMUCMUD.

Sec. 23-81. - Pump and haul procedures.

- (a) Any person proposing to discharge pump and haul waste to the POTW must first apply for and receive from the state department of environment and natural resources, solid waste division, pursuant to applicable septage management rules found in 15A NCAC 13B, a permit to operate a septage management firm and discharge such waste to the POTW. Any person proposing to discharge pump and haul waste into the POTW must also apply for and receive a local control document (LCD) to discharge such waste for each vehicle from which such waste may be discharged into the POTW. The application shall require such information to be provided as may be specified by CMUCMUD. Failure to complete the application or to complete the application accurately will be a basis for denying an LCD or revoking any LCD issued in response to the application. A deposit shall be submitted with the application to guarantee payment of sewer charges. Such deposit is set forth in the schedule of current rates, fees, and charges. Charges for the discharge of pump and haul waste will be calculated and billed to the LCD recipient based on the volume and/or characteristics of the pump and haul waste discharged into the POTW. Pump and haul waste may be introduced into the POTW only by persons permitted to do so and only at locations designated by CMUCMUD, and at such times as are established by CMUCMUD.
- (b) The LCD recipient shall be responsible for any and all damages resulting from improper handling and/or spillage.
- (c) Each LCD issued pursuant to this section may be suspended or terminated by CMUCMUD if the LCD recipient submitted false or misleading information on an application; violated any section of this article; violated any provision of a permit issued pursuant to this article; or violated any provision of applicable law concerning the introduction of wastewater into the POTW or any other publicly owned treatment works. Any suspended LCD may not be reissued for a period of two months, except upon such terms as are satisfactory to CMUCMUD to prevent the occurrence of the conditions authorizing suspension or termination. Any terminated LCD may not be reissued for two years except upon such terms as are satisfactory to CMUCMUD to prevent the occurrence of the conditions authorizing

suspension or termination. A cease and desist order may include a provision revoking or terminating an LCD as set forth in this subsection.

- (d) CMUCMUD may require the owner or operator of a vehicle from which pump and haul waste is to be discharged to obtain a wastewater discharge permit in addition to the LCD required by subsections (a) and (b) of this section prior to such discharge. CMUCMUD may require the generator of pump and haul waste to obtain a wastewater discharge permit prior to the discharge of such waste into the POTW.
- (e) No industrial pump and haul waste may be introduced into the POTW unless the owner or operator of the vehicle from which such waste is to be discharged and the generator of such waste obtains a wastewater discharge permit. Ninety days after written notice to all LCD recipients, CMUCMUD may prohibit the discharge into the POTW of all industrial pump and haul waste.
- (f) In addition to the permits and LCDs required by this section, CMUCMUD may require any person proposing to discharge industrial pump and haul waste into the POTW to provide an analysis of such waste prior to the discharge. CMUCMUD may collect samples of any or all pump and haul waste prior to discharge to the POTW to ensure compliance with this article, applicable permits and applicable law. CMUCMUD may at any time require an LCD recipient to collect a representative sample of a load of pump and haul waste and analyze for such pollutants as are specified by CMUCMUD, at the LCD recipient's expense, prior to or during the discharge of the pump and haul waste into the POTW. For any sampling and analysis of pump and haul waste by CMUCMUD, CMUCMUD may include in the LCD recipient's next sewer bill the cost incurred by CMUCMUD for such sampling and analysis.

(Code 1985, § 23-46)

Sec. 23-82. - Pretreatment standards.

- (a) *Rule of stringency.* The most stringent limitations and requirements on pretreatment of discharges to a POTW in effect, whether imposed by the city, state or federal government, shall apply. The user will be required to implement such pretreatment as necessary to comply with the applicable standards.
- (b) *Right of revision.* The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulations if deemed necessary to comply with the objectives presented in section 23-76 or prohibitions in section 23-79 of this article.

(Code 1985, § 23-47)

Sec. 23-83. - Pretreatment compliance.

- (a) *Pretreatment facilities.* IUs shall provide wastewater treatment as necessary to comply with this article and wastewater permits issued under section 23-87 and shall achieve compliance with applicable standards and requirements within the time limitations as specified by the Environmental Protection Agency, the state or CMUCMUD, whichever is most stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the IU's expense. Detailed plans for the pretreatment facilities signed and sealed by a professional engineer of this state shall be delivered to and received by CMUCMUD for review, and an authorization to construct shall be issued by CMUCMUD prior to construction of the pretreatment facilities. The IU shall be solely responsible for the design, construction and operation of such pretreatment facilities as may be necessary to comply with this article. The review of such plans and operating procedures and the issuance of the authorization to construct will in no way relieve the IU from the responsibility of modifying the facilities as necessary to produce an effluent which complies with this article. Any subsequent changes in

the pretreatment facilities or method of operation shall be reported to and be approved by GMUCMUD prior to the IU's initiation of the changes.

(b)

Additional pretreatment measures. Additional pretreatment measures are as follows:

(1)

Whenever deemed necessary, GMUCMUD may require an industrial user to restrict its discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic sewage waste streams from industrial waste streams, and comply with such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article. Suspension of wastewater treatment service shall be subject to section 23-95(f).

(2)

GMUCMUD may require any IU discharging into the POTW to install and maintain, on the IU's property and at the IU's expense, an authorized storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(3)

Grease, oil and/or sand interceptors shall be installed by the IU, at the IU's expense and on the IU's property, when necessary to comply with this article. All interceptor units shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the IU at the IU's expense.

(4)

GMUCMUD may require an IU, who has the potential to discharge flammable substances to the POTW, to install, maintain, and operate, at the IU's expense, an authorized combustible gas detection meter.

(5)

GMUCMUD may require an IU, who has the potential to discharge wastewater in violation of pretreatment standards, to install, maintain, and operate, at the IU's expense, an authorized pH controller and meter related to pH.

(Code 1985, § 23-48; Ord. No. 4127, § 6, 3-9-2009)

Sec. 23-84. - Excessive discharges and dilution.

(a)

GMUCMUD shall deny or set conditions on any new or increased discharges of flow or pollutants, or changes in the nature of discharges, when GMUCMUD determines that such discharges by a user may exceed or have exceeded the applicable standards or limitations of the POTW, or may cause or have caused a violation of the NPDES permit in effect.

(b)

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the applicable pretreatment standards.

(Code 1985, § 23-49)

Sec. 23-85. - Accidental discharge or slug discharge.

(a)

Each SIU shall provide protection from accidental discharges and slug discharges of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharges and slug discharges of prohibited materials shall be provided and maintained at the owner's or user's expense. Detailed plans of the facilities and operating procedures must be delivered to and received by GMUCMUD for review before construction of the facility. Completion of plans to address accidental discharges and slug discharges may be required before a wastewater discharge permit will be issued. Review of such plans and

operating procedures shall not relieve the SIU from the responsibility of modifying the SIU's facilities as necessary to meet the requirements of this article.

(b)

CMUD shall evaluate whether each SIU needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in section 23-77 and/or if any current plan needs updating. CMUD may require any user to develop, deliver for review, and implement such plans or other specific actions. All SIU's must be evaluated within one year of being designated an SIU. Alternatively, CMUD may develop such a plan for any user.

~~At least once every two years, CMUCMUD shall evaluate whether each SIU needs a plan to control and prevent slug discharges and accidental discharges as defined in section 23-77 and if any current plan needs updating. CMUCMUD may require any user to develop, deliver for review, and implement such plans.~~

(c)

Plans for accidental discharges and slug discharges shall address, at a minimum, the following:

(1)

Description of discharge practices, including nonroutine batch discharges;

(2)

Description of stored chemicals;

(3)

Procedures for notifying CMUCMUD and the POTW treatment plant of any accidental discharge, as required in subsection 23-91(f); and

(4)

Procedures to prevent the adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.

(d)

All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see subsections 23-91(e) and (f).

(Code 1985, § 23-50; Ord. No. 4127, § 7, 3-9-2009)

Sec. 23-86. - Structure required.

(a)

Monitoring facilities. CMUCMUD may require industrial users to provide and operate, at the IU's expense, monitoring facilities for the inspection and sampling of the IU's industrial waste discharge. CMUCMUD may require an IU to install, operate and maintain, at the IU's expense, CMUCMUD-authorized flow measuring equipment at the monitoring facility. Sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the IU.

(b)

Requirements. The sampling and monitoring facilities required by this section shall be approved by CMUCMUD prior to construction and shall be provided in accordance with CMUCMUD requirements and all applicable construction standards and specifications. Construction shall be completed within such time as is set forth in the written notification by CMUCMUD of authorization to construct. Authorization to construct by CMUCMUD will not relieve the IU for complying with all applicable statutes, ordinances, rules and/or regulations.

(c)

Failure to comply. Should CMUCMUD determine that a monitoring facility does not comply with this article, or that access thereto has been denied, CMUCMUD may require the IU, at the IU's own expense, to modify or relocate the monitoring facility.

(Code 1985, § 23-51; Ord. No. 4127, § 8, 3-9-2009)

Sec. 23-87. - Wastewater discharge permits.

(a)

Application. Application for a wastewater discharge permit shall be in accordance with the following:

(1)

All connections and discharges made to the POTW are subject to approval by CMUCMUD. Any user proposing to discharge any industrial waste to the POTW or who is doing so must make application to CMUCMUD for a wastewater discharge permit.

(2)

Any industrial user proposing to change the volume or characteristics of an existing discharge shall request from CMUCMUD a determination as to whether or not a new application should be filed and shall provide sufficient information on the proposed change to enable CMUCMUD to determine the need for a new application. If the proposed change requires a revision in a current SIU or local permit or requires a different type of permit be issued, the IU shall apply to CMUCMUD for an appropriate wastewater discharge permit within 45 days of the notification.

(3)

When requested by CMUCMUD, a user must deliver to CMUCMUD information on the volume and characteristics of its wastewater, to include, but not to be limited to, self-monitoring of the indirect discharge, within 30 days of the request. CMUCMUD is authorized to prepare forms for this purpose and may periodically require users to update this information.

(4)

Any person discharging or proposing to discharge wastewater into the POTW shall be responsible at all times for determining the volume and characteristics of its existing or proposed discharge.

(b)

Requirements. Wastewater discharge permit requirements are as follows:

(1)

No person meeting one or more of the requirements of an SIU of this article shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from CMUCMUD. An SIU that has filed a timely application pursuant to subsection (c) of this section may continue to discharge pending final action on the application so long as its indirect discharge is in compliance with section 23-79(a) through (d). CMUCMUD may require the user to demonstrate compliance by performing monthly or more frequent monitoring of the indirect discharge and analyzing for the POTW's pollutants of concern and applicable categorical pretreatment standards.

(2)

CMUCMUD may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(3)

Any violation of the terms and/or conditions of a wastewater discharge permit shall be deemed a violation of this article. Obtaining a wastewater discharge permit does not relieve a permittee of the continuing obligation to comply with all federal and state pretreatment standards and/or requirements or with any other requirements of federal, state and local law.

(c)

Contents of application. Each industrial user required to apply for a permit shall complete and file with CMUCMUD an application, in the form prescribed by CMUCMUD, which may include, but not be limited to, the following:

(1)

Name, mailing address and location.

(2)

SIC numbers for the IU's primary, as well as all secondary, functions and processes.

(3)

Analytical data on wastewater constituents and characteristics, including, but not

limited to, those mentioned in section 23-79(e) of this article, any of the priority pollutants (section 307(a) of the act) which the applicant knows or suspects are present in the discharge as determined by a laboratory certified by the state to perform the analysis associated with the determination, and any other pollutant of concern to the POTW. Sampling and analysis shall be performed in accordance with procedures approved by the Environmental Protection Agency and CMUCMUD and as required in subsections 23-91(1) and (m).

- (4) Time and duration of the indirect discharges.
- (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and processes on the premises, including all materials which are or could be accidentally or intentionally discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any pretreatment standards in effect and a statement as to whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or pretreatment is required for the user to meet applicable pretreatment standards.
- (9) If additional operation and maintenance and/or pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the IU will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the IU to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months, and no schedule of compliance shall exceed a total of 24 months.
 - b. No later than 14 days following each date in the schedule and the final date for compliance, the IU shall submit a progress report to CMUCMUD including, at a minimum, whether or not it complied with the increment of progress, the reason for the delay, and, if appropriate, the steps being taken by the IU to return to the established schedule. In no event shall more than nine months elapse between such progress reports to CMUCMUD.
- (10) Each product produced by type, amount, process and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day).
- (12) Number and type of employees, hours of operation of the plant and proposed, or actual, hours of operation of the pretreatment system.
- (13) If subject to a categorical pretreatment standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a), as outlined in section 23-91(a).
- (14) Any other information as may be deemed by CMUCMUD to be necessary to evaluate the permit application.

(15) Description of current and projected waste reduction activities in accordance's with G.S. 143-215.1 (g);

(d)

Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority as defined in section 23-77 and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am an authorized representative of the user and am authorized to execute this certification on behalf of the user. I am aware that there are significant penalties for submitting false information in violation of this certification, including the possibility of fines and/or imprisonment."

(e)

Application review and evaluation. CMUCMUD is authorized to accept, review and evaluate applications for wastewater discharge permits to the POTW. CMUCMUD may conduct an inspection of the facility to verify information contained in the permit application. Within a reasonable time following receipt of the application, CMUCMUD shall either accept the application as complete or return the application to the applicant as incomplete with a statement of what additional information is required. After all required information has been received by CMUCMUD, a determination shall be made as to whether or not a wastewater discharge permit will be issued. CMUCMUD may deny any incomplete application for a wastewater discharge permit if the applicant fails to submit all required information within the time specified by CMUCMUD.

(Code 1985, § 23-52; Ord. No. 4127, § 9, 3-9-2009)

Sec. 23-88. - Wastewater discharge permit issuance process conditions.

(a)

Duties of CMUCMUD. Prior to issuance of a wastewater discharge permit, CMUCMUD shall perform the following:

(1)

Conduct an on-site inspection of the facility including any pretreatment facilities.

(2)

Determine the following:

a.

Discharge limitations for those pollutants proposed to be limited;

b.

Monitoring requirements for pollutants which are suspected to be present but which are not proposed to be limited at the time the permit is issued. After issuance, the permit may be modified pursuant to section 23-90(b) to impose limits on one or more of such pollutants;

c.

Where applicable, a proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations to include, but not be limited to, installation of a new monitoring point and/or of flow measuring equipment; and

d.

Other proposed special conditions which will have an impact on the discharge described in the application.

(3)

Organize information from the permit application and inspection report into a permit

synopsis to include, but not be limited to, the following:

- a. A sketch and detailed description of the industrial facilities and pretreatment facilities, if any, including the location of all points of discharge to the POTW and all established compliance monitoring points; and
- b. A quantitative description of the discharge described in the application which includes at least the following:
 1. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 2. The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and
 3. The basis or rationale, for the pretreatment limitations, including the documentation of any calculations used in applying categorical pretreatment standards, and documentation of the rationale of any parameter for which monitoring has been waived under 40 CFR Part 403.12(e)(2).

~~The synopsis shall be submitted to the state as well as made available to the public and the user, upon request, where in compliance with section 23-94 of this article.~~

- c. An allocation table (AT) listing permit information for all SIU's, including but not limited to permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with Division approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the Division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.

The synopsis shall be submitted to the state as well as made available to the public and the user, upon request, where in compliance with section 23-94 of this article.

(b)

Final action on SIU permit applications. Procedures for final action on SIU permit applications are as follows:

(1)

CMUCMUD shall take final action on all applications within a reasonable timeframe following receipt of a complete application.

(2)

CMUCMUD is authorized to:

a.

Issue an SIU permit containing such conditions as are necessary to effectuate the purposes of this article and G.S. 143-215.1.

b.

Issue an SIU permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements.

c.

Deny a permit application when in the opinion of CMUCMUD such discharge may cause or contribute to pass through or interference of the POTW wastewater treatment plant or where necessary to achieve the purposes of G.S. 143-215.1.

d.

Determine, based on the application, that the applicant is not an SIU.

(c)

Permit conditions. Conditions may be placed on the permit as follows:

(1)

GMUCMUD shall have the authority to grant a permit with such conditions attached as are necessary to achieve the purpose of this article and G.S. 143-215.1. Wastewater discharge permits shall contain, but are not limited to, the following:

- a. A statement of duration (in no case more than five years);
- b. A statement of non-transferability;
- c. Applicable effluent limits based on categorical standards or local limits, or both;
- d. Applicable monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
- e. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in section 23-77;
- f. Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in section 23-77 if determined by GMUCMUD to be necessary for the user;
- g. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in section 23-77. Also see subsections 23-91(e) and (f); and
- h. A statement that the permittee is subject to applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

(2)

In addition, permits may contain, but are not limited to, the following:

- a. Limits on the average and/or daily maximum wastewater flows, based on water used, as defined by GMUCMUD.
- b. Limits on average and/or daily maximum rates and/or times of discharge and/or requirements for flow regulations and equalization.
- c. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
- d. Requirements for installation and maintenance of inspection and sampling facilities.
- e. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- f. Compliance schedules for meeting pretreatment standards and requirements;
- g. Requirements for submission of periodic self-monitoring or special notification reports.

- h. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in subsection 23-91(o) and affording CMUCMUD access thereto.
- i. Requirements for prior notification and approval by CMUCMUD of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the POTW.
- j. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- k. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- l. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- m. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.
- n. Requirements for the prior notification to and approval by CMUCMUD of any change or expansion in the manufacturing/production and/or pretreatment process used by the permittee, which has potential to impact the characteristics or volume of the discharge or the manner in which the discharge is regulated.
- o. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.
- p. Other conditions as deemed appropriate by CMUCMUD to ensure compliance with this article and state and federal laws, rules and regulations.

(d)

General and limited conditions. The permit may contain general and limited conditions as follows:

(1)

The director is authorized to establish one or more general conditions for inclusion in all wastewater discharge permits. In addition, the director is authorized to designate one or more classes of users and may establish one or more limited conditions for inclusion in all wastewater discharge permits issued to users in a designated class.

(2)

In designating a class, the director shall identify one or more common factors characterizing the members of such class and determine that at least five permitted users satisfy all of such factors. Before a condition established or class designated pursuant to this subsection may take effect, written notice of such condition or class shall be given to all users holding a permit at the time that such condition or class is proposed, and such users shall be allowed at least 30 days within which to submit written comments to the director. Thereafter, the director may make such condition or class effective without modification or may modify such condition or class without further notice to any person.

(3)

For each condition established pursuant to this subsection, the director shall determine the effective date thereof. Thereafter, such general condition shall be included in every wastewater discharge permit, and such limited condition shall be included in every wastewater discharge permit of any user in the designated class associated with such

limited condition.

(Code 1985, § 23-53; Ord. No. 4127, § 10, 3-9-2009)

Sec. 23-89. - Adjudicatory hearing.

(a)

Persons entitled to hearing. The following persons are entitled to a hearing pursuant to this section:

(1)

An applicant for a wastewater discharge permit or other permit required by this article who is denied a permit or is granted a permit subject to conditions which are unacceptable to the applicant.

(2)

A user who is assessed a civil penalty pursuant to section 23-95(g).

(3)

A user to whom an order is issued pursuant to section 23-95(c) or (d).

(b)

Demand for hearing. A person may demand a hearing in accordance with the following:

(1)

Any person entitled to a hearing pursuant to this section shall exercise such right as set forth in subsection (b)(2) of this section. Such demand shall be in writing and shall state separately each issue to be considered and such other matters as are required in this section.

(2)

Any person making a demand for a hearing shall deliver the demand to the director within the following applicable time limits after receipt of notice of the action to be heard:

a.

Thirty days for the denial of a permit required by this article or for the grant of a permit required by this article subject to conditions which are unacceptable to the applicant.

b.

Thirty days of the assessment of a civil penalty.

c.

Twenty days for a compliance order issued pursuant to section 23-95(c).

d.

Ten days for a cease and desist order issued pursuant to section 23-95(d).

(c)

Contents of demand. In the demand for a hearing to consider:

(1)

A permit granted subject to unacceptable conditions, the applicant must identify separately each unacceptable condition and every basis for such contention;

(2)

A civil penalty assessment, the person to whom such penalty was assessed must state separately each reason why such penalty should not be assessed or, if the user contends that the civil penalty was assessed in an improper amount, each reason why the amount of the penalty is improper; and

(3)

The issuance of an order, the person to whom such order is issued must identify separately each provision of the order which is improper and every basis for such contention.

(d)

Informal review. Procedures for informal review are as follows:

(1)

Any person making a demand for a hearing in accordance with subsection (b)(2) of this

section may request that an informal review be undertaken as to all matters set forth in such demand in accordance with subsection (c) of this section. The director shall have the discretion to grant or deny such request or, in the absence of a request, to issue an order requiring a person making a demand for a hearing to participate in an informal review. An informal review shall be undertaken before a designee of the director within 45 days of the receipt of such request or order requiring an informal review and may continue thereafter with the written agreement of the person making a demand for a hearing and the director's designee. Such agreement shall continue until the person making the demand for a hearing or the director's designee gives written notice that the informal review should terminate. Subject to such terms as may be approved by the director, the informal review may resolve one or more of the matters set forth in the demand for a hearing. If such request is granted and all matters set forth in the demand for a hearing are not resolved through such informal review, the director may extend the time for the conduct of the hearing and issuance of a final order or decision up to 60 days after receipt of notice of termination of the informal review by the director or, if such notice is given by the director, within 65 days of issuing such notice. Notice of termination of the informal review shall be in writing and shall be delivered if given:

- a. By the person making a demand for a hearing, to the director and the director's designee; and
- b. By the director's designee, to the director and the person making the demand for a hearing.

(2)

The designee of the director for an informal review shall not be appointed as hearing officer to conduct a hearing on any matter considered, but not resolved, as part of the informal review. No proposal to resolve any matter considered, but not resolved, as part of the informal review shall be considered at the hearing on such matter.

(e)

Conduct of hearing. Procedures for the conduct of the hearing are as follows:

(1)

The hearing shall be conducted by the director and shall be subject to such rules as have been approved by the council or the director as set forth in this subsection. If the demand for a hearing is not made in accordance with this section, the director shall reject the demand, and any right to a hearing shall be terminated. If any person demanding a hearing shall fail to comply with an order of the director or with any rules issued by the director or approved by the council concerning the conduct of the hearing, the director may reject the demand, and any right to a hearing shall be terminated. Within 180 days of the receipt of the written demand for a hearing, the director shall conduct a hearing and issue a final order or decision. The director shall transmit a copy of the final order or decision to the person demanding the hearing by registered or certified mail. No further review of the director's final order or decision will be allowed, except as set forth in section subsection (h) of this section.

(2)

The director may submit rules to the council for approval concerning the conduct of the hearing and any other matter associated with the hearing. Such rules may impose requirements in addition to this section. Upon approval by the council, such rules shall be as effective as if set forth in this section. The director shall make a copy of such rules available for inspection upon the request of any person.

(3)

The director is authorized to take any action which is reasonably necessary or convenient in considering a demand for a hearing and in resolving the issues raised therein so long as such action is not contrary to this article, any rules approved by the council or other applicable law.

(4)

The director may appoint a hearing officer to conduct any hearing authorized by this section. A hearing officer shall have the same authority to conduct a hearing and reach a decision as is provided to the director, provided that the decision of the hearing officer shall not be final but shall be a recommended decision for consideration by the

director. The director may approve such decision without change, reject the decision and require a new or continued hearing, or issue a different or revised decision which is supported by evidence presented at the hearing. The director may refer a recommended decision of a hearing officer to the city manager or his designee. If a referral occurs, the city manager or his designee shall have the same authority to act upon a recommended decision of a hearing officer as is provided to the director. The decision of the director or, for a referral, of the city manager or his designee shall be final. A final order may provide that the action which is the basis for the demand for a hearing is approved without change or may modify such action in any manner that is supported by the evidence presented at the hearing.

(5)

The director may provide for any part of the hearing to be recorded by any reasonable means, including, but not limited to, audio and/or video recording, stenographer, or court reporter. A transcript of any hearing, or part thereof, which is recorded need not be prepared unless requested. The original of a requested transcript shall be filed with the director. Each person shall bear the cost of the transcript which the person requests, including any copy thereof.

(f)

Stay of permit conditions pending hearing. Permit conditions shall be stayed pending the hearing in accordance with the following:

(1)

Except as provided in subsection (f)(4) of this section, each condition of a permit which has been included in a demand for a hearing in accordance with this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: such condition is approved or is modified by the director at an adjudicatory hearing, or the applicant and the director agree on the conditions of the permit. This subsection shall not be construed to stay any section of this article or other applicable law.

(2)

Upon receipt of a demand for a hearing on a permit granted subject to unacceptable conditions, the director shall identify each provision to which no objection was made, and such provisions shall remain in effect. However, if the director determines that it would be unreasonable for a provision to apply when all surrounding circumstances are considered, the director in his sole discretion may stay such provision until the time set forth in subsection (f)(1) of this section.

(3)

If the unacceptable permit is a renewal of an existing permit, each provision of the applicant's existing permit will remain in effect until the time set forth in subsection (f)(1) of this section, provided that such provision from the existing permit does not conflict with any provision of the unacceptable permit which is not stayed. If a conflict occurs, the provision from the unacceptable permit will control.

(4)

Any condition of a permit which is unacceptable to an applicant and which is included in a permit pursuant to subsection (e) of this section shall remain in effect and shall not be stayed by subsection (f)(1) of this section.

(g)

Stay of assessment; order. An assessment may be stayed and an order issued in accordance with the following:

(1)

a.

Each assessment of a civil penalty which has been included in a demand for a hearing in accordance with this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: the assessment of the civil penalty is approved or is modified by the director at an adjudicatory hearing; or the person who is assessed the civil penalty and the director agree on the assessment.

b.

If the assessment of a civil penalty against any person is approved or modified by the director at an adjudicatory hearing, the director may include the following provisions in any order or decision:

1. The person may be required to pay the penalty within ten days or such additional time as the director may specify.

2. If the penalty is not paid in a timely manner, the penalty will be delinquent and water and/or sewer service may be terminated to the person without further notice. If water and/or sewer service is terminated pursuant to a decision authorized by this subsection, the application charges and fees as set forth in section 23-5 must be paid before service will be restored.

(2) Except as provided in section 23-95(f) for an emergency suspension, each provision of an order which has been included in a demand for a hearing in accordance with this section is stayed and shall not take effect until the earliest occurrence of any one of the following circumstances: such provision is approved or is modified by the director at an adjudicatory hearing; or the person to whom the order is directed and the director agree on the terms of the order. This subsection shall not be construed to stay any section of this article or other applicable law.

(3) Upon receipt of a demand for a hearing on an order, the director shall identify each provision to which no objection was made, and such provision shall remain in effect. However, if the director determines that it would be unreasonable for such provision to apply when all surrounding circumstances are considered, the director in his sole discretion may stay such provision until the time set forth in subsection (g)(2) of this section.

(h) *Judicial review.* Any person against whom a final order or decision of the director is made pursuant to the hearing conducted under this section may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice of the order or decision, but not thereafter, with the superior court of the county. If not previously requested, the person shall request in writing that a transcript be prepared for every part of the hearing which was recorded. The request shall be made at or before the time that the petition is filed. A copy of the petition shall be served on the city in the manner required by law. Within 30 days after service of a copy of the petition upon the city or such other time as may be ordered by the court, the city shall prepare and transmit to the court the original or a certified copy of the official record of the hearing as set forth in this subsection. The official record of the hearing shall consist of the following:

- (1) All notices, motions and other similar documents;
- (2) All documentary and tangible evidence tendered at the hearing; and
- (3) The final order or decision.

A transcript of each part of the hearing that was recorded shall be included in the official record as an exhibit, if available at the time the remaining portion of the official record is transmitted to the court. If the transcript is not available at that time, it shall be transmitted to the court as soon as reasonably possible after the transcript has been prepared. If testimony is taken and not recorded, a narrative summary of any testimony taken shall be prepared and transmitted to the court as an exhibit to the official record.

(i) *Petition for remission of civil penalties.* The director may consider petitions for remission of civil penalties assessed pursuant to this article. A petition for remission shall be in writing and shall be signed by the person against whom the civil penalty was assessed. The petition shall include a waiver of any and all rights of the petitioner to an adjudicatory hearing and judicial review of the assessment, and a stipulation that the facts are correct as set forth in the documents assessing the civil penalty. The decision of the director on the petition shall be final and shall not be subject to further administrative or judicial review. In determining whether a petition for remission will be approved, the director shall consider recommendations and the following factors:

- (1)

Whether one or more of the factors concerning the assessment of a civil penalty in section 23-95(h)(3) were wrongly applied to the detriment of the petitioner.

- (2) Whether the petitioner promptly abated continuing environmental damage resulting from the violation giving rise to the assessment.
- (3) Whether the violation giving rise to the assessment was inadvertent or the result of an accident.
- (4) Whether the petitioner has been assessed civil penalties for any prior violations pursuant to this article or by any state or federal authority enforcing substantially similar provisions.
- (5) Whether payment of the civil penalty by the petitioner will prevent payment for any remaining, necessary remedial action.

- (j) *Additional information on petition for remission of civil penalties.* After submitting a petition for remission, the petitioner shall provide such additional information and records as may be reasonably necessary or convenient to the director's consideration of the petition. The director may remit the entire amount of a civil penalty only when the petitioner has not been assessed civil penalties for any prior violation of this article or by a state or federal authority enforcing substantially similar provisions, and the payment of the civil penalty will prevent payment of any remaining, necessary remedial action.

(Code 1985, § 23-53.1; Ord. No. 4127, § 11, 3-9-2009)

Sec. 23-90. - Permit duration, modification, transfer, reissuance.

- (a) *Permit duration.* Permits required under this article shall be issued for a specified time period not to exceed five years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date.
- (b) *Permit modification.* CMUCMUD may modify the terms and conditions of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 - (1) Modifications allowed for include, but are not limited to, the following reasons:
 - a. Modifications of the monitoring program contained in the permit;
 - b. Changes in the ownership of the discharge when no other change in the permit is indicated;
 - c. A single modification of any compliance schedule not in excess of four months;
 - d. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until the control facilities are operational;
 - e. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
 - f. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - g.

A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- h. Information indicating that the permitted discharge poses a threat to the POTW, the POTW personnel, or the receiving waters;
- i. Violation of any terms or conditions of the wastewater discharge permit;
- j. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- k. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- l. To correct typographical or other errors in the wastewater discharge permit; or
- m. To reflect a transfer of the facility ownership or operation to a new owner or operator.

A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

(2)

Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permits of users subject to such standard shall be revised to require compliance with such standard within the timeframe prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge or does not currently have an SIU permit, the user shall apply within 180 days after the promulgation of such standard.

(c)

Assignment or sale of wastewater discharge permits. Wastewater discharge permits are issued to a specific user for a specific operation. A permittee may not assign or sell a permit, or any right or obligation in a permit, to another user or person.

(d)

Transfer of wastewater discharge permits. Wastewater discharge permits may be transferred to a new owner or operator only upon the permittee's request of CMUCMUD for a transfer and upon CMUCMUD's approval of the wastewater discharge permit transfer. Within five business days of the date of facility transfer, authorized representatives of the permittee and the new owner or operator must give joint, written notice to CMUCMUD of the date of transfer. If the transfer has been approved, CMUCMUD shall take such steps as are necessary to document the transfer of the permit. The request to CMUCMUD to transfer the permit must include a written certification in a form satisfactory to the director by the new owner or operator which:

(1)

States that, without prior notification to and approval by CMUCMUD, the new owner and/or operator agree not to make any change or expansion in the manufacturing/production and/or pretreatment process used by the permittee, which has potential to impact the characteristics or volume of the discharge or the manner in which the discharge is regulated.

(2)

Identifies the specific date on which the proposed transfer is to occur; and

(3)

Acknowledges and accepts full responsibility for complying with all terms and provisions of the wastewater discharge permit to be transferred. Failure to comply fully with this subsection renders the wastewater discharge permit void as of the date of facility transfer.

(e)

Permit reissuance. An SIU shall apply for permit reissuance by delivering to CMUCMUD a complete permit application in accordance with section 23-87 a minimum of 180 days prior to

the expiration date of the existing permit or within such different period of time as set forth in the existing permit.

(Code 1985, § 23-54; Ord. No. 4127, § 12, 3-9-2009)

Sec. 23-91. - Reporting requirements.

(a)

Categorical baseline monitoring reports. Categorical baseline monitoring reports are required in accordance with the following:

(1)

Submission generally. Within 180 days after the effective date of a categorical standard, or 180 days after a final decision on a categorical determination under 40 CFR 403.6(a)(4), whichever is later, existing industrial users who are subject to the standard and are currently discharging to or scheduled to discharge to the POTW shall submit to GMUCMUD a report which contains the information listed in subsection (a)(2) of this section. At least 90 days prior to commencement of their discharge, new sources, and new sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall deliver to GMUCMUD a report which contains the information listed in subsection (a)(2) of this section. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2)

Information required. Users described in subsection (a)(1) of this section shall deliver to GMUCMUD the following information:

a.

Identifying information. The name and address of the facility, including the name of the operator and owner.

b.

Environmental permits. A list of any environmental control permits held by or for the facility.

c.

Description of operations. A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

d.

Flow measurement. Information showing the measured daily and maximum daily flow, in gallons per day, to the POTW for the regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

e.

Measurement of pollutants. Measurement of pollutants as follows:

1.

The categorical pretreatment standards applicable to each regulated process.

2.

The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by GMUCMUD, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. All samples collected shall be representative of daily operations, with supporting documentation submitted that establishes the samples as representative, and shall be analyzed in accordance with procedures set out in subsection (1) of this section.

3.

Sampling must be performed in accordance with procedures set out in

subsection (m). Baseline monitoring reports and 90-day compliance reports shall require four grab samples unless historical sampling data acceptable to CMUJCMUD is presented prior to report submission. Non-flow proportional or grab samples require the submission of documentation that establishes the samples as representative of the daily operation.

f. *Certification.* A statement, reviewed by the user's current authorized representative as defined in section 23-77 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this subsection must meet the requirements set out in section 23-91(b).

h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 23-87(d).

(b)

Compliance schedule progress reports. The following conditions shall apply to all industrial users, who are required by CMUJCMUD to submit compliance schedules in conjunction with their baseline monitoring reports, interim permit limits or enforcement orders:

(1)

The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

(2)

No increment in subsection (b)(1) of this section shall exceed nine months;

(3)

The user shall deliver a progress report to CMUJCMUD no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4)

In no event shall more than nine months elapse between such progress reports to CMUJCMUD.

(c)

Report on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with the applicable categorical standards, or for a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements must deliver to CMUJCMUD a report containing the information required by subsection (a)(2)d—f of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 23-87(d).

(d)

Periodic compliance reports. Periodic compliance reports shall be submitted in accordance with the following:

(1)

All SIUs shall, at a frequency determined by CMUCMUD, but in no case less than once every six months, deliver a report to CMUCMUD indicating the nature and concentration of pollutants in the discharge limited by pretreatment standards and the applicable measured or estimated average and maximum daily flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in subsections (l) and (m). All periodic compliance reports must be signed and certified in accordance with subsection 23-87(d).

(2)

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facilities in good working order shall not be grounds for the user to claim the sample results are unrepresentative of its discharge.

(3)

If a user subject to the reporting requirements in this section monitors any pollutant in samples collected at the monitoring point more frequently than required by CMUCMUD, using procedures prescribed in subsections (l) and (m) of this section, the results of this monitoring shall be delivered to CMUCMUD by the 20th of the month following the month in which the extra samples were collected.

(e)

Reports of changed conditions. Each industrial user must notify CMUCMUD of any planned significant changes to the IU's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change. The industrial user shall not begin the changes until receiving written approval from CMUD. Failure of CMUCMUD to respond does not relieve the IU from complying with this article. See subsection (f) for other reporting requirements.

(1)

CMUCMUD may require the IU to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 23-87.

(2)

CMUCMUD may issue a wastewater discharge permit under section 23-88 or modify an existing wastewater discharge permit under section 23-90(b) in response to changed conditions or anticipated changed conditions.

(3)

For purposes of this requirement, significant changes include, but are not limited to, the following:

a.

For permitted IUs, any change required to be reported under the wastewater discharge permit; and

b.

For nonpermitted IUs, flow and/or pollutant increases or decreases of 20 percent or greater and/or the discharge of any previously unreported pollutants not previously reported to the Control Authority and/or Municipality, new or changed product lines, new or changed manufacturing processes and/or chemicals; or new or changed customers.

(4)

Any IU filing a request for determination under section 23-87 may not be required to file such a report under this section.

(5)

A report filed under this section does not relieve the IU from any requirement under section 23-87.

(f)

Reports of potential problems. Reports of potential problems are required in accordance with

the following:

- (1) For any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 23-77, that may cause potential problems for the POTW, the industrial user shall immediately telephone and notify CMUCMUD and the POTW treatment plant of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the IU.
- (2) Within five days following such discharge, the IU shall, unless waived by CMUCMUD, deliver to CMUCMUD a detailed written report describing the cause of the discharge and the measures to be taken by the IU to prevent similar future occurrences. Such notification shall not relieve the IU of any expenses, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the IU of any fines, penalties, or other liability which may be imposed pursuant to this article.
- (3) A notice shall be permanently posted on the IU's bulletin board or other prominent place advising employees whom to call if a discharge described in subsection (f)(1) of this section occurs. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised on the emergency notification procedure.
- (4) CMUCMUD shall evaluate whether the IU needs a plan to prevent the recurrence of the discharge. Such a plan shall address, at a minimum, the requirements set forth in section 23-85(b)(1) through (4).
- (5) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 23-77.

(g) *Forms.* CMUCMUD may establish such forms as CMUCMUD determines to be appropriate and require the use of such forms in the submission of any report, application, request, or other information contemplated by this article. Failure to use the established form for the submission of a report, application, request, or other information may result in the rejection of the submission.

(h) *Industrial waste survey.* An industrial waste survey shall be conducted in accordance with the following:

- (1) At a frequency established by CMUCMUD, an industrial waste survey that identifies industrial users and characterizes their discharge of wastewater will be conducted. Each user included in the survey is required to respond with complete and accurate information on the specific schedule.
- (2) The survey results may be used to establish an industrial user inventory and to modify or issue any applicable wastewater discharge permit.
- (3) Failure to respond to the survey completely and accurately may result in any enforcement action that CMUCMUD may determine to be appropriate.

(i) *Other reports from users.* All users shall provide such reports to CMUCMUD as CMUCMUD may require. All users classified as Non-Significant Categorical Industrial Users under section (23-77) shall provide appropriate reports to CMUD as CMUD may require. At a minimum this shall include the Annual Certification of continuing to meet the Non-Significant Categorical Industrial User criteria as required under 40 CFR 403.12(g).

(j) *Report of violation/repeat sampling and reporting.* If sampling performed by a user indicates a

violation of this article and/or applicable wastewater discharge permit, the user must report the violation to CMUCMUD within the 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the report analysis to CMUCMUD within the 30 days after becoming aware of the violation.

(k)

Notice of discharge of hazardous waste. Notice of the discharge of hazardous waste shall be given as follows:

(1)

Any user who commences the discharge of hazardous waste shall notify CMUCMUD, the Environmental Protection Agency Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the Environmental Protection Agency hazardous waste number, and the type of discharge (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user:

a.

An identification of the hazardous waste contained in the wastes;

b.

An estimation of the mass and concentration of such constituents contained in the wastes;

c.

An estimation of the mass of constituents in the wastestream expected to be discharged during the calendar month; and

d.

An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

All notifications must take place no later than ~~180-90 days after~~ 90 days prior to the proposed discharge date. ~~the discharge commences~~ The user shall not begin the discharge until receiving written approval from CMUD. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notification of changed conditions must be submitted under subsection (e) of this section. The notification requirement in this subsection does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this article.

(2)

Users are exempt from the requirements of subsection (k)(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notifications.

(3)

If any new regulations are included under section 3001 of the Resource Conservation and Recovery Act identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify CMUCMUD, the Environmental Protection Agency Regional Waste Management Waste Division Director, and the state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4)

For any notification made under this subsection, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5)

This subsection (k) does not create a right to discharge any substance not otherwise

permitted to be discharged by this article, a permit issued under this article, or any applicable federal or state law.

- (l) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by the Environmental Protection Agency and CMUCMUD. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the Environmental Protection Agency and CMUCMUD.
- (m) *Sample collection.* Sample collection shall be conducted in accordance with the following:
- (1) Except as indicated in subsection (m)(2), the user must collect wastewater samples using flow proportional composite collection techniques. Composite samples must have individual aliquots collected at least hourly. CMUCMUD shall specify the terms under which other composite collection techniques may be used. In addition, CMUCMUD may require grab samples be collected to show compliance with daily maximum discharge limits.
- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols (Environmental Protection Agency method number 420), sulfides, and volatile organic compounds must be obtained using grab collection techniques. Baseline monitoring reports and 90-day compliance reports shall require four grab samples unless historical sampling data acceptable to CMUCMUD is presented prior to report submission. Non-flow proportional or grab samples require the submission of documentation that establishes the samples as representative of the daily operation.
- (n) *Timing.* Written reports will not be deemed to have been submitted until received by CMUCMUD.
- (o) *Recordkeeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained to monitoring activities undertaken by the user independent of such requirements. Records of self-monitoring activities required by this article, the wastewater discharge permit and/or other documents issued by or entered into with CMUCMUD or the city shall conform to 40 CFR 403.12(o)(1) and CMUCMUD-established procedures for reporting requirements. Any information required shall conform to subsection (g) of this section. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user's indirect discharge to the POTW unless otherwise ordered by the court in which the litigation is pending, or where the user has been notified of a longer retention period by CMUCMUD.
- (p) *Electronic reporting.* CMUCMUD may develop procedures for receipt of electronic reports for any reporting requirements of this article. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under sections 23-95 and 23-96.
- (q) *Special Reporting Requirements for Industrial Users in satellite POTWs.*
In the case of an industrial user located in a satellite POTW organization's jurisdiction, all information required to be reported to the industrial user's Pretreatment Program Control Authority by the Section shall also be reported to CMUD upon the request of CMUD.

(Code 1985, § 23-55; Ord. No. 4127, § 13, 3-9-2009)

Sec. 23-92. - Authority to inspect and sample.

(a)

CMUCMUD personnel and other authorized employees of the city, bearing proper identification, will inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow CMUCMUD, the approval authority and the Environmental Protection Agency or their representatives ready access at all times to all parts of the premises to perform inspection, sampling, records examination and copying or other duties. CMUCMUD, the approval authority and the Environmental Protection Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require identification and clearance before entry into his premises, the user shall make arrangements with his security guards so that, upon presentation of identification (identification being defined as the pieces of identification supplied by CMUCMUD, the state or the Environmental Protection Agency to their employees), personnel from CMUCMUD, the approval authority and the Environmental Protection Agency will be permitted to enter and perform their specific responsibilities without delay. Denial of CMUCMUD's, the approval authority's or the Environmental Protection Agency's access to the user's premises or portions thereof shall be a violation of this article. Denial of access may also occur if a user fails to provide without unreasonable delay such facilities, equipment, or devices as are reasonably necessary to permit personnel of CMUCMUD, the approval authority or the Environmental Protection Agency from performing their duties in a safe manner. Unreasonable delays may constitute denial of access. Any delay of more than five minutes may be considered unreasonable.

(b)

At all times, CMUCMUD shall retain the authority to inspect the POTW and to sample and analyze wastewater in the POTW for any purpose.

(Code 1985, § 23-57)

Sec. 23-93. - Search warrants.

To the extent permitted by law, CMUCMUD may seek the issuance of a search warrant to determine compliance with this article.

(Code 1985, § 23-58)

Sec. 23-94. - Confidential information.

(a)

To the extent permitted by applicable law and except as otherwise provided in this section, information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other government agencies without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of CMUCMUD, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

(b)

To the extent permitted by applicable law, when requested by a person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to this article, the National Pollution Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

- (c) Documents which are not public records and the information set forth therein may be withheld and released only as provided by applicable law.
(Code 1985, § 23-59)

Sec. 23-95. - Administrative enforcement remedies.

- (a) *Notice of violation.* Whenever GMUCMUD finds that any user has violated or is violating any section of this article, the wastewater discharge permit, or any other pretreatment requirement or standard, GMUCMUD may serve the user with a written notice stating the nature of the violation. GMUCMUD may notify the user to submit a written explanation of the violation and a plan for the satisfactory correction thereof, within 30 days from the date of the notice. Submission of the plan does not relieve the user of liability for any violations occurring before or after receipt of the notice of violation (NOV). Nothing in this section may be construed to require GMUCMUD to issue an NOV before taking any action, including emergency actions or any other enforcement actions.
- (b) *Compliance agreements.* GMUCMUD may enter into an agreement with the user responsible for noncompliance with any section of this article, the wastewater permit or any other pretreatment requirement or standard. Such an agreement will include specific actions to be taken by the user to correct the noncompliance within a time period also specified by the agreement. A compliance agreement shall have the same force and effect as a compliance order issued pursuant to subsection (c) of this section.
- (c) *Compliance orders.* If GMUCMUD finds that a user has violated or continues to violate any section of this article; a compliance agreement issued pursuant to this article; a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this article; or any other provision of applicable law, GMUCMUD may issue an order requiring such person to do any one or more of the following:
- (1) Comply with the sections of this article; any applicable permit, pretreatment requirement or standard; or order issued pursuant to this article or other provision of applicable law in accordance with a time schedule set forth in the order.
 - (2) Take appropriate remedial or preventive actions for a continuing or threatened violation of any section of this article; a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this article; or any other provision of applicable law.
 - (3) Pay a civil penalty for violating any section of this article; a wastewater discharge permit, compliance agreement, pretreatment requirement or standard; or order issued pursuant to this article.
- (d) *Cease and desist orders.* Cease and desist orders may be issued as follows:
- (1) If GMUCMUD finds that a user has violated or continues to violate any section of this article; a wastewater discharge permit, pretreatment requirement or standard or order issued pursuant to this article; or any other provision of applicable law, GMUCMUD may issue an order requiring such user to cease and desist all such violations and direct such person to perform any one or more of the following:
 - a. Comply immediately with all sections of this article, a wastewater discharge permit or order issued pursuant to this article or other applicable law.
 - b. Take appropriate remedial or preventive actions for a continuing or threatened violation of any section of this article; a compliance agreement issued pursuant

to this article; a wastewater discharge permit, pretreatment requirement or standard, or order issued pursuant to this article; or any other provision of applicable law.

- c. Discontinue all or any portion of such user's contribution or introduction of wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and operated properly within a specified time period.
- d. Disconnect all or any portion of the facilities by which such user introduces or contributes wastewater into the POTW unless adequate treatment facilities, devices or other related appurtenances are installed and operated properly within a specified time period.

(2)

In addition to or in lieu of the matters set forth in subsection (d)(1) of this section, CMUCMUD may include in such order one or more of the following:

- a. The removal of all or any portion of any service connection by which such user introduces or contributes wastewater into the POTW.
- b. The removal of all or any portion of any service connection by which such user receives water services from the city.
- c. The termination of any wastewater discharge permit issued to such user pursuant to this article.
- d. The payment of a civil penalty for violating any section of this article; a permit, pretreatment requirement or standard, or compliance agreement; or order issued pursuant to this article.

(e)

Termination of permit or permission to discharge. CMUCMUD may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to report accurately the wastewater constituents and characteristics of its discharge;
- (2) Failure to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Violation of any condition of the permit or permission to discharge, conditions of this article, or any applicable state and/or federal regulations;
- (5) Failure to submit any required report; or
- (6) Violation of any prohibited discharge standard under section 23-79.

(f)

Suspension. Procedures for suspension of the wastewater treatment service and/or wastewater discharge permit are as follows:

- (1) CMUCMUD may order the suspension of the wastewater treatment service and/or wastewater discharge permit of any user when such suspension is necessary in order to stop an actual or threatened discharge which will or may present imminent or substantial endangerment to the health or welfare of any person or the environment,

cause interference, or cause the city to violate any condition of its NPDES or nondischarge permits. The suspension shall be effective in accordance with the provisions of the order of suspension upon service on the user responsible for such discharge. The order shall identify each pollutant in the discharge which is the basis for the suspension and the potential effect each pollutant, either singly or in combination with one or more pollutants, will or may have upon any person, the environment, the POTW and/or NPDES or nondischarge permit of the city. The order shall also set a date for a hearing to be held in accordance with subsection (f)(3) of this section.

(2)

Any user, when served with an order that its wastewater treatment services and/or any wastewater discharge permit is suspended, shall immediately stop or eliminate the introduction or contribution of wastewater into the POTW. The user shall prepare a written response to such an order and shall serve such statement on CMUCMUD within five calendar days after the service of the order or two business days prior to the hearing, whichever date is earlier. The statement shall identify every provision of the order which the user believes to be inaccurate; set forth a complete basis for such belief; describe in detail the circumstances which resulted in the discharge described in the order of suspension; and describe such measures as have been taken or are proposed by the user to prevent a future, similar discharge. Failure to prepare and serve the statement in a timely manner shall constitute a waiver by the user of its right to a hearing.

(3)

A hearing shall be held as soon as reasonably possible and in no event later than 15 calendar days of service of the order unless waived by the user. The hearing shall be conducted in the manner set forth in section 23-89, provided that such changes shall be made by the director in the conduct of the hearing as are reasonably necessary to permit an expedited hearing. The director shall determine whether the suspension shall be lifted or the user's permit terminated. Such decision shall be issued in writing as soon as possible and in any event within two business days after the conclusion of the hearing.

(4)

The director may take such action as is reasonably necessary or convenient to prevent the continued introduction or contribution of wastewater into the POTW by the user, including, but not limited to, the immediate severance of the sewer connection between the user's facilities and the POTW.

(5)

Nothing in the section may be construed to require that a hearing be conducted prior to any emergency suspension authorized by this section or limit the authority of CMUCMUD under this section as a result of one or more other actions taken by CMUCMUD to secure the user's compliance with this article and/or permit or order issued pursuant to this article; the pendency of a demand by the user for a hearing pursuant to section 23-89; or the pendency of judicial review.

(6)

For the purposes of this section, the term "calendar days" refers to and includes any Saturday, Sunday, or holiday. For purposes of this section, the term "business day" refers to and includes any day which CMUCMUD is open to the public to conduct business.

(g)

Civil penalties. Civil penalties may be imposed in accordance with the following:

(1)

Any user that violates, fails to comply, or continues to violate any section of this article, a wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement shall be liable to CMUCMUD for a maximum civil penalty of \$25,000.00 per violation per day for as long as the violation continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. For a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Civil penalty assessment shall be based on the following:

a.

Penalties between \$10,000.00 and \$25,000.00 per day per violation may be assessed against a violator only if:

1. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or

2. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.

b. All penalties shall take into account relevant circumstances as outlined in subsection (g)(2).

(2) In determining the amount of the civil penalty, CMUCMUD shall take into account all relevant circumstances, including, but not limited to, the following:

- a. The extent of harm caused by the violation;
- b. The magnitude and duration of the violation;
- c. Any economic benefit gained through the user's violation;
- d. Corrective actions by the user;
- e. The compliance history of the user;
- f. The cost of enforcement to CMUCMUD;
- g. Whether the violation was committed willfully or intentionally; and
- h. Any other factor as justice requires.

(3) The assessment of civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(4) Appeals of civil penalties assessed in accordance with this section shall be provided in section 23-89.

(5) Such assessments may be added to the user's next scheduled sewer service charges, and CMUCMUD shall have such remedies for collection of such assessments as it has for collection of other charges.

(h) In addition to any civil penalties that CMUCMUD may impose against a user in accordance with subsection (g), CMUCMUD may assess against and recover from a responsible user any repair, restoration or maintenance cost and any damage incurred by anyone for which the city is liable, if such repair, restoration or maintenance cost or damage arises in any manner from the responsible user's violation(s). For purposes of this subsection, repair or maintenance includes, without limitation, the removal of any accumulation of any pollutant from the POTW that the user's violation(s) has caused or contributed to. Such assessments may be added to the user's next scheduled sewer service charges, and CMUCMUD shall have such remedies for collection of such assessments as it has for collection of other charges.

(i) Any user that violates, fails to comply with, or continues to violate any section of this article, a

wastewater discharge permit or order issued under this article, or any other pretreatment standard or requirement shall undertake such sampling, monitoring and analysis of its discharge and to report the results thereof in accordance with section 23-91 as CMUCMUD may require.

(Code 1985, § 23-60; Ord. No. 4127, § 14, 3-9-2009)

Sec. 23-96. - Other available remedies.

(a)

Criminal violations. CMUCMUD shall assist any federal or state agency, office or authority responsible for criminal investigations or prosecutions for violation of any section of this article or other federal or state law concerning the discharge of wastewater or other substances into the POTW or the waters of the state. CMUCMUD may request any appropriate federal or state agency, office or authority to undertake an investigation or prosecution of any person for any violation of this article or other federal or state law concerning the discharge of wastewater or other substances into the POTW or the waters of the state. The district attorney for the applicable judicial district may, at the request of the city, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).]

(b)

Annual publication of significant noncompliance. At least annually, CMUCMUD shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(c)

Civil relief. If any person discharges sewage, industrial wastes or other wastewater into the POTW contrary to this article, pretreatment requirements or standards, any order of CMUCMUD, or violates its wastewater discharge permit, an action may be commenced in the name of the city for appropriate legal and/or equitable relief in the appropriate division of the state's general court of justice. This shall include but is not limited to:

(1)

Injunctive relief. Whenever a user is in violation of the provisions of this article or an order or permit issued hereunder, the director, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(2)

Water supply severance. Whenever an industrial user is in violation of the provisions of this article or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

(3)

Public nuisances. Any violation of the prohibitions or effluent limitations of this article or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the city governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(d)

Remedies nonexclusive. The remedies provided in this section are not exclusive. CMUCMUD may take one, all or any combination of these actions against any person in violation of this article. It is anticipated that enforcement for pretreatment violations will generally be in accordance with the enforcement response plan of CMUCMUD. However, in no instance may such a plan be construed to limit the authority of CMUCMUD to take any action which CMUCMUD determines to be appropriate for a violation of any section of this article, a compliance agreement issued pursuant to this article, and/or a wastewater discharge permit or order issued pursuant to this article. Further, CMUCMUD is empowered to take more than one enforcement action against any person in violation of this article.

(Code 1985, § 23-61; Ord. No. 4127, § 15, 3-9-2009)

Sec. 23-97. - Reconnection of utility service after termination.

(a) Any person applying for water or sewer service after the termination of water or sewer service pursuant to this article shall not receive such service without the written approval of CMUCMUD.

(b) CMUCMUD shall approve such application under the following conditions:

- (1) Such person is not delinquent in paying any water or sewer bill.
- (2) Full payment has been made for all costs incurred by CMUCMUD in removing, severing or otherwise discontinuing water or sewer service to such person.
- (3) Full payment has been made for all fees and costs associated with providing the requested service and installing the necessary facilities.
- (4) Full payment has been made for all civil penalties assessed against such person pursuant to this article and for all damages to the POTW which such person is required to pay by this article.

If such person is required to have a wastewater discharge permit before discharging wastewater into the POTW, such person must apply for and accept a wastewater discharge permit containing such provisions as CMUCMUD determines to be reasonably necessary. Section 23-89 will not apply to the denial of a permit to such person or to granting a permit subject to conditions unacceptable to such person.

(c) This section shall apply to every application for water or sewer service by any person subject to subsection (a) of this section made within two years after water or sewer service has been terminated pursuant to this article.

(d) Any person applying for a connection to provide water or sewer service to all or any portion of the property served by a connection removed pursuant to this article shall be required to pay all fees and charges for securing a new connection, without exception. Any fee or charge paid prior to the removal of the service connection shall be forfeited in its entirety and shall have no continued effect.

(Code 1985, § 23-62)

Sec. 23-98. - Affirmative defenses to discharge violations.

(a) *Upset.* An affirmative defense of upset may be used for noncompliance with this article in accordance with the following:

- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection (a)(2) of this section are

met.

(2)

A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a.

An upset occurred and the user can identify the cause of the upset;

b.

The facility was at the time being operated in a prudent and workmanlike manner and in compliance with reasonable operation and maintenance procedures established for the facility; and

c.

The user has submitted the following information to CMUCMUD within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1.

A description of the indirect discharge and cause of noncompliance;

2.

The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3.

Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3)

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4)

Users will have the opportunity for a judicial determination of any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

(5)

Users shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b)

Prohibited discharge standards defense. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 23-79(a) or the specific prohibitions in section 23-79(b)(2), (4), (8), (9), and (16) of this article, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1)

A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2)

No local limit exists, but the discharge did not change significantly in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit.

(c)

Bypass.

(1)

Bypass is prohibited, and CMUCMUD may take an enforcement action against a user for a bypass, unless authorized by CMUCMUD pursuant to subsection (c)(4) of this section or unless:

a.

- Bypass was unavoidable to prevent loss of life, serious personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The user submitted notices as required under subsection (c)(3) of this section.
- (2) If a user knows in advance of the need for a bypass, it shall submit prior notice to CMUCMUD, at least ten days before the date of the bypass, if possible.
- (3) A user shall submit oral notice to CMUCMUD of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. CMUCMUD may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (4) CMUCMUD may approve an anticipated bypass, subject to such conditions as CMUCMUD determines to be appropriate, after considering its adverse effects, if CMUCMUD determines that the anticipated bypass will meet:
- a. All conditions set forth in subsection (c)(1)a—c of this section; or
- b. All applicable pretreatment standards and requirements and the anticipated bypass is necessary to allow essential maintenance to ensure efficient operation.
- (5) Notwithstanding subsections (c)(1)—(4) of this section, the user shall be liable at all times and under all circumstances for injury to any person and damage to any property caused in whole or in part by the bypass. For purposes of this subsection, the term "person" includes, but is not limited to, the POTW personnel, and the term "property" refers to, but is not limited to, the POTW.

(Code 1985, § 23-63; Ord. No. 4127, § 16, 3-9-2009)

Sec. 23-99. - Damage, destruction of and tampering with equipment or materials.

No person shall damage or destroy any equipment or materials used to ensure compliance with this chapter. The user shall be responsible for the safety of such equipment and materials placed on the user's premises and may be held liable for any such damage or destruction.

No person shall tamper or interfere with or falsify or render inaccurate any equipment or materials used to ensure compliance with this chapter, including, but not limited to, monitoring and sampling equipment at or near a user's premises.

(Ord. No. 4127, § 17, 3-9-2009)

Editor's note— Ord. No. 4127, § 17, adopted March 9, 2009, amended § 23-99 in its entirety to read as herein set out. Formerly, § 23-99 pertained to protection from damage, and derived from the Code of 1985, § 23-68.

Secs. 23-100—23-125. - Reserved.

Editor's note— Ord. No. 4127, § 18, adopted March 9, 2009, repealed the former § 23-100 in its entirety, which pertained to falsifying information; damages to monitoring equipment, and derived from the Code of 1985, § 23-69.

Ordinance No. 5231-X

ORDINANCE

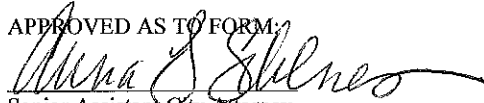
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 4429 CADES COVE DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF 9611 BROOKDALE DRIVE CHARLOTTE, NC 28215

WHEREAS, the dwelling located at 4429 Cades Cove Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 4429 Cades Cove Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

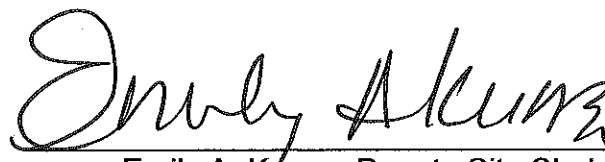

Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 517.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.




Emily A. Kunze, Deputy City Clerk

Ordinance No. 5232-X

ORDINANCE


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 423 CAMPUS STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HEIRS OF KING DAVID ROBINSON, MICHELLE E. ROBINSON, SHIRLEY ROBINSON, RAYMOND ROBINSON, RICHARD ROBINSON, DANNY ROBINSON, CHERYL ROBINSON, WILLIAM ROBINSON, DAVID LEE, JAMES ROBINSON, RAMIN ROBINSON, ROBERT ROBINSON 2920 FAIRCROFT WAY MONROE, NC 28216

WHEREAS, the dwelling located at 423 Campus Street in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 423 Campus Street in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

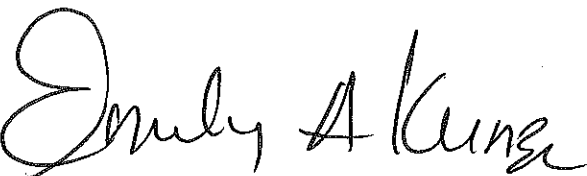

Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 518.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.





Emily A. Kunze, Deputy City Clerk

Ordinance No. 5233-X

ORDINANCE

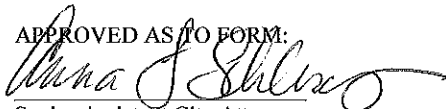
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 5920 HEWITT DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF LARRY STINSON AND WIFE TAMMY ROBINSON 5920 HEWITT DRIVE CHARLOTTE, NC 28269

WHEREAS, the dwelling located at 5920 Hewitt Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 5920 Hewitt Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

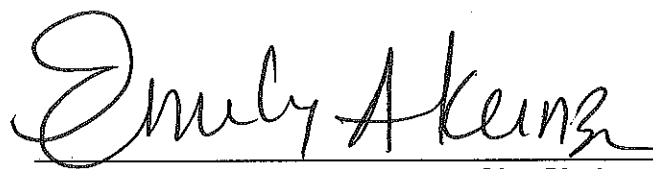

Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 519.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.




Emily A. Kunze, Deputy City Clerk

Ordinance No. 5234-X

ORDINANCE

AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 1816 CATHERINE SIMMONS AVENUE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HEIRS OF LILLIAN MEANS LISTON, CATHERINE LISTON NIMMONS, WILBERT BERNARD LISTON JR., SONYA ROMONA LISTON 2315-K KATHERINE KIKER ROAD CHARLOTTE, NC 28213

WHEREAS, the dwelling located at 1816 Catherine Simmons Avenue in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 1816 Catherine Simmons Avenue in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

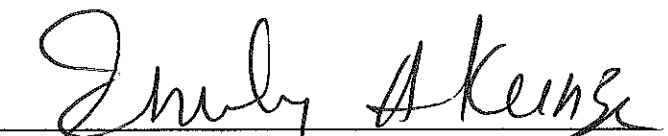

Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 520.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.




Emily A. Kunze, Deputy City Clerk

Ordinance No. 5235-X

ORDINANCE

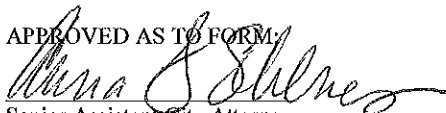
AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 2801 CLYDE DRIVE PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF HEIRS OF GARTH W. WILLIAMS, KIM WILLIAMS 2801 CLYDE DRIVE CHARLOTTE, NC 28208

WHEREAS, the dwelling located at 2801 Clyde Drive in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Housing Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said dwelling; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the dwelling located at 2801 Clyde Drive in the City of Charlotte in accordance with the Housing Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

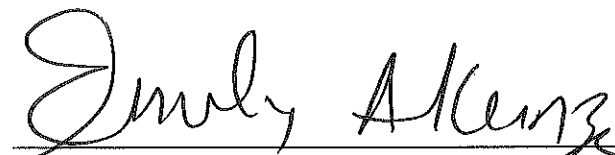
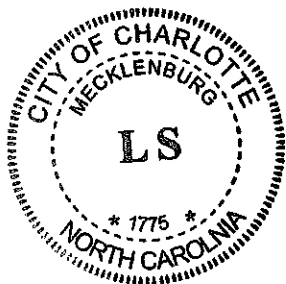


Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 521.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze, Deputy City Clerk

Ordinance No. 5236-X

ORDINANCE


AN ORDINANCE ORDERING THE DEMOLITION AND REMOVAL OF THE BUILDING AT 3332 ROZZELLES FERRY ROAD PURSUANT TO THE NON RESIDENTIAL BUILDING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 5, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, SAID BUILDING BEING THE PROPERTY OF MECKLENBURG AQUATIC CONSTRUCTION LLC 9929 HILLSPRING DRIVE HUNTERVILLE, NC 28078

WHEREAS, the building located at 3332 Rozzelles Ferry Road in the City of Charlotte has been found by the Code Enforcement Official of the City of Charlotte to be in violation of the Non Residential Building Code of the City of Charlotte and the owners thereof have been ordered to demolish and remove said building; and

WHEREAS, said owner(s) have failed to comply in a timely fashion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that the Code Enforcement Official of the City of Charlotte is hereby ordered to cause the demolition and removal of the building located at 3332 Rozzelles Ferry Road in the City of Charlotte in accordance with the Non Residential Building Code of the City of Charlotte. This Ordinance shall become effective upon its adoption.

APPROVED AS TO FORM



Senior Assistant City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th of October, 2013 the reference having been made in Minute Book 135, and recorded in full in Ordinance Book 58, Page 522.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.




Emily A. Kunze, Deputy City Clerk

ORDINANCE NO. 5237-X

O-33

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5127-X, THE 2013-2014 BUDGET ORDINANCE PROVIDING AN APPROPRIATION FROM THE CONVENTION CENTER CAPITAL PROJECTS FUND FOR PHASE 1 IMPROVEMENTS TO BANK OF AMERICA STADIUM

BE IT ORDAINED, by the City Council of the City of Charlotte;

- Section 1. That the sum of \$28,000,000 is hereby estimated to be available from proceeds of capital debt in the Convention Center Capital Projects Fund (2013)
- Section 2. That the sum of \$28,000,000 is hereby appropriated in the Convention Center Capital Project Fund (2013) in Center 0023907 - Bank of America Stadium Improvements
- Section 3. That the existence of this project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- Section 4. All ordinances in conflict with this ordinance are hereby repealed.
- Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

Mr. Deputy Carolyn Johnson
City Attorney

CERTIFICATION

I, Emily A. Kunze, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28th day of October, 2013, the reference having been made in Minute Book 135, and recorded in full in Resolution Book 44, Page(s) 523

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of October, 2013.



Emily A. Kunze
Emily A. Kunze, Deputy City Clerk