

E-3A

AN ORDINANCE TO REPEAL THE EXISTING "OF ODINANCE PRESCRIBING REGULATIONS FOR PROVIDING WATER SERVICE WITHIN THE TOWN OF GREENWOOD AND PRESCRIBING PENALTIES" AND TO ENACT A NEW ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING REGULATIONS FOR PROVIDING WATER SERVICE WITHIN THE TOWN OF GREENWOOD AN PRESCRIBING RATES, FEES AND PENALTIES

WHEREAS, The Town of Greenwood has determined that it is necessary to implement new regulations relating to the Town of Greenwood Water System, and to consolidate standards.

WHEREAS, several water supply wells, multiple water treatment plants, elevated storage, and water distribution systems are in place, and water utility service has been provided to residents of the Town of Greenwood for many years; and

WHEREAS, The Town Council deems it important to put into effect regulations for the maintenance of the Town of Greenwood Water System, maintenance of the quality and quantity of water available and to prescribe rates, fees, and penalties for violations which are more particularly described herein.

BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof in Council duly met, that the Town's existing "Ordinance prescribing Regulations and Providing Water Service Within the Town of Greenwood and Prescribing Penalties" (dated October 1, 2002) be and hereby is repealed in its entirety, and the following "Ordinance Establishing Regulations for Providing Water Service Within the Town of Greenwood and Prescribing rates, fees and penalties" be and hereby enacted:

AN ORDINANCE ESTABLISHING REGULATIONS FOR PROVIDING WATER SERVICE WITHIN THE TOWN OF GREENWOOD AND PRESCRIBING RATES, FEES AND PENALTIES

SECTION 1. WATER SYSTEM OPERATION AND CONTROL.

1.1 The operation and management of the Town of Greenwood Water System shall be under the control of the Town Manager, or authorized agent under authority of the Town Council who shall direct the construction of additions thereto and the maintenance thereof and, in all cases not particularly provided for by this ordinance or other ordinances of the Town, shall in what manner and upon what terms water may be taken from the Town of Greenwood Water Supply by any property owner or water consumer and the character of the connections and appliance which may be made or used thereof.

SECTION 2. USE OF PUBLIC WATER SERVICE REQUIRED

2.1 All houses, buildings, or properties used for human occupancy, employment, recreation, or similar purposes situated within the corporate limits of the Town of Greenwood and abutting any street, alley, easement or right-of-way in which there is located a public water main shall be required, at the expense of the property owner(s), to connect to the Town of Greenwood Water System. Each and every property owner is required to connect his/her property to the Town of Greenwood Water System in

accordance with the provisions of this Ordinance within (60) days after the date of official notice from the Town Manager to do so.

2.2 Separate Water Service Required – A separate and independent water service connection shall be required for every dwelling, building or property used for human occupancy, employment, recreation or for other similar purpose. A Water service and water service pipe shall not service more than one:

2.2.1. Dwelling house, provided that a garage or guest quarters attached to the main dwelling, or other similar feature incidental to the occupancy of the dwelling shall be considered as a portion of the dwelling.

2.2.2. Industrial, commercial or manufacturing establishment.

2.2.3. Building separated from adjacent buildings by a party wall or walls and comprising apartments, stores, offices and or a combination thereof.

2.2.4. Detached building comprising apartments, stores, offices or any combination thereof.

2.2.5. Establishment consisting of attached, individual dwelling units under the management of a single commercial or cooperative entity.

2.2.6. Unit of property commonly referred to as a “condominium unit” and/or more specifically referred to as “unit property”, subject to the requirements of the Unit Property Act, Title 25 of the Delaware Code, Chapter 25. Any improved property qualifying as of the date of adoption of this ordinance which is thereafter subjected to the Delaware Unit Property Act shall be required to comply with the requirements of this section and obtain a separate water service line for each condominium unit.

SECTION 3. ACCESS TO FIRE HYDRANTS

3.1. The members of any fire company or department shall, at all times have free access to the fire hydrants located in the Town of Greenwood in case of fire.

3.2. It shall be unlawful for any unauthorized person to open or operate any fire hydrant. Draw water therefrom, or place any object, vehicle, or material within 15 feet of any fire hydrant which obstructs or restricts access to said fire hydrant.

SECTION 4. INSPECTION OF PREMISES RECEIVING SERVICE.

4.1 Powers and Authority of Inspections

4.1.1. The consulting engineer and other duly authorized employees of the Town of Greenwood bearing proper credentials and identification may enter readily accessible areas of all properties as reasonably necessary for the purpose of inspection, observation, measurement, sampling, maintenance, repair, upgrade, and testing of the water service and the Town of Greenwood Water System in accordance with the provisions of the Ordinance; unless necessitated by emergency conditions, entry

into areas that are not readily accessible shall only be authorized by permission from the owner, occupant, or person having legal control of the premises. Failure to grant such permission may result in disconnection of water service under Section 16.1.3 of this ordinance.

4.1.2. While performing the necessary work on private properties, if the consulting engineer or any duly authorized employee of the Town of Greenwood observes all safety rules applicable to the premises, the Town shall be held harmless for injury or death to any Town employee.

4.1.3. The consulting engineer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted access to all easement areas on private properties subject to a written easement in favor of the Town for, among other purposes, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water works lying within said easement or to engage in any other activities authorized by the easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

SECTION 5. TRESPASSING ON TOWN OF GREENWOOD WATER SYSTEM PROPERTY.

5.1. It shall be unlawful for any person to in any way damage or interfere with property or appliance constituting or being part of the water service connection, Town of Greenwood Water System, or related fixtures, or any fence, guardrail, box cover, or building, or other structure constructed or used to protect any part of the Town of Greenwood Water System.

5.2. It shall be unlawful for any person to cast, place, pump or deposit in the Town of Greenwood Water System any substance or material which will in any manner obstruct the same.

SECTION 6. DEFINITIONS.

The following definitions shall apply under this Ordinance:

6.1. Air Gap – The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle, a minimum of two (2) pipe diameters, and no less than one inch.

6.2. Approved – Accepted or acceptable under an applicable specification cited in this Ordinance, or accepted as suitable for the proposed use under procedures and powers of the consulting engineer or its designated representative.

6.3. Backflow – The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable supply of water from any source or sources.

6.4. Backflow Prevention Device – A device or means to prevent Backflow and back siphon age, meeting ASSE and IPC standards.

6.5. Back Siphon age – The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

6.6. Building – A structure built, erected and framed of component structural parts designed for the housing, shelter, or enclosure of persons, animals or personal property.

6.7. Critical Level – The critical level on a backflow prevention device or vacuum breaker is a point established by the manufacturer which determines the minimum elevation above flood level rim of the fixture or receptacle served at which the device may be installed. All fixtures and receptacles shall be in conformance with ASSE and IPC standards.

6.8. Cross Connection – Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other contains water of unknown or questionable safety, whereby water may flow from one system to the other.

6.9. Consulting Engineer – The Consulting Engineer or its authorized agent or representative of the Town of Greenwood.

6.10. Design Manual – The most current edition of the publication entitled “Town of Greenwood Department of Public Works Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement design.

6.11. Equivalent Dwelling Unit – Hereinafter referred to as “EDU”, represents the load-producing effects on the Town of Greenwood Water System caused by one average dwelling place.

6.12. Fixture Unit – Hereinafter referred to as “FU”, represents the load-producing effects of sanitary fixtures on the Town of Greenwood Water System.

6.13. Illegal Water Use – Water used by an unauthorized person or used for a non-potable use during a water emergency.

6.14. License Applicant – Any person seeking and intending to engage in the business of installation, alteration or maintenance of any plumbing in the Town of Greenwood within the scope of this Ordinance.

6.15. License Applicant Employee – All officers, employees, agents, subcontractors or other individuals working under the direction and/or supervision of a License Applicant.

6.16. May – May is a permissive word.

6.17. Ordinance – When used alone shall mean these regulations, subsequent amendments, or any emergency rule or regulation which the Town may lawfully adopt.

6.18. Person – Any Natural individual, firm, partnership, company, association, society, corporation, organization, legal entity, or any other group acting as a unit.

6.19. Potable Water – Water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the Health Authority having jurisdiction.

6.20. Shall – Shall is a mandatory term.

6.21. Water Service Connection – Water service line from water main to meter, including meter and meter pit assembly.

6.22. Town – The Town of Greenwood.

6.23 Town of Greenwood Water System – The water supply, treatment, storage, and distribution system owned and operated by the Town of Greenwood.

6.24. Unauthorized Person – Any person, persons, or company or corporation that have not been provided written approval by the Town to perform authorized tasks and functions.

6.25. Water Main – A water supply or transmission pipe constituting a portion of the Town of Greenwood Water System.

6.26. Water Meter – An instrument for recording the quantity of water passing into a residence or business.

6.27. Water System of Customer – The water service which extends from the water service connection to the backflow prevention device of the building or structure to be served.

SECTION 7. RATES

7.1. Rates shall be established by the Town Council of the Town of Greenwood. The most recent rate schedule adopted by the Town Council is attached hereto as Exhibit "A".

7.2. All the rates and charges specified in this ordinance shall be paid by the owner of the premises serviced by the Town of Greenwood Water System. All such water rates and charges from the time of such shall be due and chargeable shall become and remain a lien upon the premises pursuant to 25 Del. C. & 2901 until such rates and charges shall be paid. Water rates and charges may be collected against any owner by suit action to be in the name of the Town of Greenwood in any court having jurisdiction thereof and to be prosecuted as an action at law personally against owner, by writ of monition to execute upon the lien by 25 Del. C. & 2901.

SECTION 8. BILLING

8.1. The Town shall send a monthly billing for water. Payment is due by the end of the month during which the bill is mailed, or within twenty (20) days after the date the bill is mailed, whichever comes later. Interest shall be assessed against all accounts which are past due at the monthly interest rate to be determined by Town Council resolution or amendment to this ordinance. Interest will be charged, beginning with the first day the bill is overdue, only against the unpaid balance, and not against any partial payment or against the current billing cycle charges.

SECTION 9. SHUT OFF

9.1. Nonpayment – In the event of nonpayment of any billing for usage of the Town of Greenwood Water System with a sixty day balance exceeding fifty dollars (\$50), or nonpayment of any other charge

related to the Greenwood water System (i.e. water assessments, fines and interest, repairs to meters damaged by customers, etc) the Town may, in addition to any other available remedies, and after giving ten (10) days prior notice to the owner and occupant of the property, terminate service. The resident or tenant shall be notified by way of a "shutoff notice" placed on the most recent bill issued by the Town of Greenwood. Then at the end of ten (10) days a door hanger will be placed advising the owner or tenant of the impending water shutoff to occur the following day.

9.2. Unauthorized Use: Refusal to Make Payment – If after a water service permit is issued, it is ascertained that water is being used on any premises not authorized by the permit or in a greater amount for a different purpose than provided for in the permit, or if water user fails or refuses to pay water charged for the use of water, it shall be the duty of the Town Manager to terminate water service; provided, however, that the Town shall give notice to the owners and occupants of the premises prior to the time the water service is terminated in accordance with Section 9.1 (including the right to appeal).

9.3. Illegal Water Use – The Town shall immediately shut off water service to customers who have received a notice of illegal water use and have failed to comply within the time period prescribed in the notice.

9.4. Both the Town Manager and the Town Council reserve the right to shut off the street mains for repairing the mains or making connections or expansions to the same, or for the purpose of cleaning and maintaining the same. No main shall be shut off without twenty-four (24) hours prior *written* notice to the water users affected, except in cases of emergency. No licensed plumber or other persons shall shut off the water from any of the Town mains nor place a tap thereon without written authorization from the Town Manager or the Town Council.

SECTION 10. WATER SERVICE DISCONNECT AND RECONNECT CHARGE.

10.1. A service charge as specified by resolution or ordinance of the Town Council to disconnect or reconnect to the Town of Greenwood Water System shall be due for each water service connection that is disconnected or reconnected to the Town of Greenwood Water System.

SECTION 11. REINSTATEMENT OF WATER SERVICE

11.1 Any customer who has had water shut off under Section 9, in addition to any fees, monies owed, deposits or fines, shall pay a reconnection fee as established by resolution or ordinance of the Town Council before water service is reinstated.

SECTION 12. RETURNED CHECKS.

12.1 A user paying by check will pay an additional fee if the check is returned by the bank for any reason. The dollar amount of the fee shall be as established by resolution or ordinance of the Town Council.

SECTION 13. CONNECTION AND IMPACT FEES.

13.1. Except as provided above, connection and impact fees shall be as set by resolution or ordinance of the Town Council.

13.2. Impact fees shall be that one-time fee, rate, charge or assessment imposed by the Town on an owner of a new, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures, or any combination thereof, to which water service is provided or is to be provided by the town of Greenwood which has not be previously served by the Town of Greenwood or which, whether or not requiring the expansion of the water distribution system or the construction of new facilities, contributes to the decreasing of an adequate reserve for furnishing water service within the area served by the Town of Greenwood Water System. The impact fee shall be payable at a time or times determined by the Town Council.

13.3. The cost of all service lines from the water main to the building to be served shall be paid entirely by the owner of the property and are not included in the impact fee. The impact fee shall be applicable to all dwelling(s) or building(s) located on a lot or parcel which will be connected to the Town of Greenwood Water System.

13.4. The impact fee required for all dwellings, buildings, structures, facilities or establishments shall be based upon the charge listed in Exhibit "B".

13.5. The impact fee provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing of water and shall be billed and payable in a manner determined by the Town. The impact fee may be collected by the Town as part of the Town taxes. Properties against which such impact fees are levied shall be liable for the payment of the impact fees in the same manner as they are liable for other Town taxes.

13.6. The Equivalent Dwelling Unit is hereby defined as 200 gpd (gallons per day) of water usage.

SECTION 14. CONNECTION TO SYSTEM

14.1. Prior to connection, the owner must first obtain a permit from the Town. It shall be unlawful for unauthorized individuals to tap or connect to the Town of Greenwood water distribution system without authorization. The owner of the property with an unauthorized connection shall be liable to the Town for all water use resulting from such connection and may be subject to criminal fines and penalties. All connections shall be approved and inspected by the Town Engineer, or a duly authorized agent. Upon connection, regular water service fees must be paid.

14.2. No unauthorized person shall uncover, make connections with or openings in to, use, tamper, alter, modify or disturb any public water main or appurtenance.

SECTION 15. APPLICATION FOR PERMIT FOR SERVICE CONNECTION

15.1. Application Required – Application for a permit to install, make, replace, or increase the size of a water service connection shall be made by a plumber, licensed by the State of Delaware, who has first obtained a business license from the Town, who has filed a bond with the Town, and who will install

or supervise the installation of the water service connection. The application will be made on forms provided by the Town and shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Consulting Engineer of the Town. The application shall be signed by the permit applicant and the owner or owners of the building seeking to connect to the Town of Greenwood Water System. If approved, the application will be signed by the Town Manager or his or her authorized agent, and the signed application shall constitute a permit.

15.2. Connection Required When Service is Available – All owners of improved property within the Town of Greenwood abutting upon but not presently connected with the existing Town of Greenwood Water System are hereby required to connect their premises to the Town of Greenwood Water System within ninety (90) days from the effective date of this ordinance. All such owners of improved property which shall abut upon future water improvements when constructed shall thereupon connect therewith.

15.3. Water shall only be supplied to the property listed on the permit and the use of water shall be confined to the property listed on the permit. No property owner, whether with or without change, shall supply another property with water, and all water supplied shall be used solely for authorized purposes.

15.4. All costs and expenses incident to the installation of a water service connection shall be paid by the owner of the property identified on the permit.

15.5. Specifications – Service – The connection and the size, alignment and materials of construction of the water service connection, and the methods to be used in excavating, placing of pipe, jointing, testing and back filling the trench shall all conform to the Design Manual.

15.6. Connection Fee – A water connection fee shall be assessed in an amount established by resolution or ordinance of the Town Council.

15.7. Each property owner shall apply for the water service permit and shall notify the Town when the water service connection is ready for inspection and connection to the public main. The connection shall be made under the supervision of the Consulting Engineer of the Town or its authorized representative.

15.8. All excavations for a water service connection and its installation shall be adequately guarded with barricades and lights at night so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town, in accordance with the Design Manual.

SECTION 16. TERMINATION OF SERVICE.

16.1. Water service to any property may be terminated by the Town, upon providing written notice to the owner and occupant in accordance with the notice requirements found in Section 9.1, for any of the following causes:

16.1.1 Use of water for any purpose other than that described in the permit.

16.1.2. For tampering with or damaging any service pipes, meters, seals, or any other property constituting a portion of the Town of Greenwood Water Service.

16.1.3. For making, or refusing to sever, any cross connections between a pipe or fixture carrying water furnished by the Town and a pipe or fixture carrying water from any other service.

16.1.4. Refusal of reasonable access to the property for the purpose of inspections and maintenance by the Town Manager or his/her authorized representative.

16.1.5. For the non-payment of water service, charges, interest, impact fees, or penalties on any of them.

16.1.6. For extending water pipes to other buildings without obtaining a proper permit.

16.1.7. Failure to connect piping and fixtures in a privately owned and operated water supply that could allow contamination of the Town of Greenwood Water System.

16.1.8. For failure of any regulation governing water service.

16.2. Water service may be disconnected temporarily by the Town, with or without notice, for the making of alterations or inspections of water mains or pipes.

16.3. Notwithstanding 16.1 and 16.2, the Town may discontinue water service in case of emergency such as fire, contamination, urgent repairs, or other similar emergencies.

16.4. When the Town discontinues or terminates water service for any reason, it does so without liability to any owner or occupant as may own or occupy the building to which such connection is made.

16.5. No customer shall be entitled to recover damages or to have any portion of the water charges refunded for any loss of water service.

SECTION 17. LICENSE, BOND AND INSURANCE REQUIREMENTS.

17.1. License Required – Before any License Applicant shall engage in the business of installation, alteration or maintenance of any plumbing within the scope of the Ordinance, the License Applicant shall obtain a proper license from the Town. The license period shall be one year beginning January 1 and terminating December 31. Only one license shall be needed for all plumbing work done during the license's term. To obtain a license from the Town Manager, or authorized agent, the License Applicant shall:

17.1.1. Show proof that License Applicant has been duly registered as a plumber by the State Board of Plumbing Examiners and is licensed to do business as a plumber in the State of Delaware.

17.1.2. Obtain and deposit with the Town a bond with surety acceptable to the Town in the amount of \$5,000. Such bond shall remain in full force and effect until the expiration of one year after

the completion of the final project performed by the License Applicant under the business license covered by the bond, or until any claims still pending at the expiration of the one-year time period are resolved. The return of the bond to the License Applicant shall be conditioned on the License Applicant doing the following:

17.1.2.1. Observing all governing rules, regulations, laws, and codes and requiring any License Applicant Employee to do the same.

17.1.2.2. Indemnifying and holding harmless the Town against all loss and damages occasioned by the negligent or intentional act or omission in the performance of any work done by License Applicant or a License Applicant Employee.

17.1.2.3. Maintaining in a safe condition all ditches and excavations which may be opened in the performance of any plumbing work for a period of one (1) year after the completion of the work, including backfilling any areas where settlement later occurs due to insufficient fill or compaction.

17.1.2.4. Replacing all excavated or satisfactory soil materials in accordance with the Design Manual and leaving said areas in as good or better conditions than existed prior to performing the work.

17.1.2.5. Indemnifying all customers who suffer any loss or damage proximately caused by the failure of License Applicant or any License Applicant Employee to comply with any governing rule, regulation, law or code or to perform such work in a good and workmanlike manner.

17.1.2.6. Repairing any defective work and replacing or making good any defective materials, at no additional cost to the customer for whom any such work was performed, to the reasonable satisfaction of the Town Manager or designee within ninety-six (96) hours after receiving notice from the Town Manager of the existing defect.

17.1.2.7. Using the form of bond that is provided by the Town.

17.1.3. Produce a certificate of insurance evidencing a policy that protects against claims for damages for personal injury, including wrongful death, as well as from claims for property damage which arise from operations under the work whether such work is done by the License Applicant or by a License Applicant Employee. The insurance shall state that the Town manager will be notified in writing by the insurance company not less than ten (10) days prior to the expiration of the insurance. Such insurance shall include, at a minimum, the following:

17.1.3.1. Bodily injury liability insurance, in an amount not less than five hundred thousand (\$500,000) for injuries, including wrongful death to any person, and subject to the same limit for each person in an amount not less than one million dollars (\$1,000,000) on account of any one accident.

17.1.3.2. Property damage insurance in an amount not less than three hundred thousand dollars (\$300,000) for damages on account of any accident or for damages on account of all accidents.

17.2. Service Connection Permit Required – Application for a permit shall be made in accordance with Section 15 of this Ordinance. When the application is approved and the permit granted, one (1) set of the plans shall be returned to the applicant and be kept at the job while work is in progress and one (1) set shall be retained by the Town Manager as a permanent record.

17.3. Service Connection Fee – The permit fee for each water service connection to the public main shall be established by resolution or ordinance by the Town Council.

17.4. Homeowner Installation – Nothing in this Ordinance shall prevent any building owner or occupant from installing, repairing, or maintaining a water supply system within his own property boundaries, provided such water supply system installation, repair, or maintenance is done by the property owner, is used exclusively by the property owner and his/her family, and is installed and inspected in accordance with the requirements of this Ordinance; provided, however, that only a plumber who is licensed by the State of Delaware shall install service connection to the facilities of the Town.

18. POTABLE WATER PROTECTION

18.1. Potable water shall be protected from contamination from any source.

18.2. There shall be no cross connection between the potable water service pipe and distribution system and any other source of water.

18.3. The backflow prevention device shall be set above the elevation of the critical level.

18.4. Any building supplied with water by the Town of Greenwood shall have no other source connection located within the building.

18.5. For new construction, or upon the transfer of ownership of a building or structure, a backflow prevention device shall be installed in the water service pipe to every building served by the Town of Greenwood. The device shall be located immediately as the water service pipe enters the building, or at the meter pit, and shall be accessible for service. Backflow prevention device shall be installed and maintained by the property owner. The backflow prevention device shall be approved by the Town Consulting Engineer or his authorized agent.

19. TESTING AND INSPECTION REQUIREMENTS.

19.1. Inspection – All water service connections and water systems of customers installed in whole or in part under the scope of this Ordinance shall be inspected to insure compliance with the Ordinance and to assure that the installation is in accordance with the approved plans, Town Design Manual, and the permit. It shall be the duty of the installing plumber to give reasonable advance notice to the Town when plumbing work is ready for inspection, at least twenty-four (24) hours in advance of the inspection and before three o'clock in the afternoon the day before the inspection is requested. The plumbing shall be deemed ready for inspection and testing when the pipe is laid on proper fall and bedded 1/4 to 1/3 of its diameter, with joints properly made and connected to the building. Prior to inspection and testing,

the service water shall not be connected to the Town of Greenwood Water System. The equipment, material, and labor necessary for the inspection and test shall be furnished by the installing plumber. The plumbing shall not be backfilled, covered, or otherwise hidden until it has been inspected, tested and approved, and it shall be uncovered upon direction.

19.2. Testing – The water service pipe shall be tested and proved to be watertight under a pressure not less than the working pressure under which it is to be used. The water used for test shall be potable water supplied by the Town of Greenwood Water System only in the presence of and at the direction of the Town Inspector. If the water service connection and water service pipe are approved, they shall be backfilled in accordance with the Design Manual.

19.3. Certificate of Completion – Upon the satisfactory completion and final test of the plumbing, a certificate of compliance will be issued to the owner by the Town Manager or designee.

SECTION 20. INTERNATIONAL PLUMBING CODE ADOPTED.

Pursuant to Del. C & 7904, the most recent edition of the international Plumbing Code, shall be and the same is hereby adopted as the Plumbing Code of the Town of Greenwood insofar as that Code relates to the installation of water service pipes and the regulations, provisions, conditions and terms of said Code are hereby referred to, adopted and made a part of this Ordinance with the additions, changes, deletions and modifications as hereinbefore set forth as though fully setout. All revisions to the International Plumbing Code occurring after the date of adoption of this ordinance shall be considered part of the Plumbing code of the Town of Greenwood.

SECTION 21. WATER EMERGENCIES

The Mayor may declare by executive order, or the Town Council may declare by resolution or motion, a state of water emergency when it appears to the Mayor or the Town Council, based on the recommendation of the Consulting Engineer, that the Town's water sources are incapable of producing sufficient water to meet all the needs of the Town's water users.

21.1. During a declared water emergency, water service may be interrupted in any or all parts of the Town in order to affect repairs, provide water for fire fighting, or for any other good cause. Upon expiration of the emergency, water service shall be restored without charge.

21.2. Upon such a declaration, and for the duration of the stated water emergency, it shall be unlawful to use water from the Town of Greenwood Water System for outside irrigation, watering of outside vegetation (including grass, plants, trees, etc), car washing, or other non-potable uses.

21.3. The declaration of a state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

21.4. Notice of Illegal Water Use – The Town Manager or designated agent shall provide written notice to persons found to be in violation of any declared water emergency.

SECTION 22. WELLS.

22.1. It shall be unlawful for any person to drill or otherwise construct, install or use any well for the taking of water within the corporate limits of the Town of Greenwood.

SECTION 23. WATER METERS.

23.1. Installation of Water Meters. All properties receiving water service within the corporate limits of the Town of Greenwood shall be equipped with an adequate water meter. Property owners are responsible for the cost associated with purchasing and installing the meter pit assembly and associated water lines. Property owners are also responsible for the cost of the water meter, which shall be provided by the Town, and the costs of installing the water meter. Property owners shall contract with a licensed plumber for the installation of the water meter.

23.1.1. Installation of Double Check Valves. The meter pit assembly shall include double check valves to provide back flow prevention. The double check valves in all residential meter pits shall be replaced at five (5) year intervals. Cost of work to replace double check valves shall be paid by each customer, with the work completed by Public Works staff.

23.2. Water Meter Maintenance and Repairs. The Town shall keep the water meters in good working order. All water meters, when installed, shall be owned, maintained, repaired and replaced by the Town of Greenwood at the Town's expense, except when the repairs, maintenance, or replacement is required as a result of the intentional or negligent actions of the property owner or occupant. The Consulting Engineer shall determine, in each case of damage, the cause and cost of replacement or repair.

23.3. Disconnection by Town Employee Only – No meter shall be disconnected from the water service connection, moved, disturbed or have its seal broken by any person except an authorized employee of the Town; nor shall any bypass valve be installed to circumvent the meter.

23.4. Notification to Town of Damage or Cessation of Registration – The customer shall notify the Town's office of any injury or cessation of registration of a meter as soon as it comes to his/her knowledge.

23.5. Location of Installation – All water meters shall be installed in the ground pursuant to the Design Manual in a location that will be easy to access by representatives of the Town of Greenwood unless an exception shall be granted by the Town Manager or Engineer.

23.6. Tampering – If there is evidence that a water service connection installed pursuant to this Ordinance has been tampered with so as to cause the water meter to not accurately register the amount of water used, water usage shall be billed at a twice the highest bill for water usage for the previous 12 months. The decision that a water meter has been tampered with and any penalty imposed may be appealed to the Town Manager within 15 days of the decision.

23.7. Bypass of Meter Prohibited – It shall be unlawful for any person, after a water meter has been installed pursuant to the terms of this Section to: (a) bypass a meter or the entire water service connection in order to receive water without being measured by the water meter, (b) tamper with a meter or the entire water service connection, or (c) take any other actions in order to prevent the accurate measurement of water usage to the property which is being served.

23.8. Quantity of Water Recorded; Inaccurate Meters – The quantity of water recorded by the meter shall be conclusive on both customer and the Town, except when the meter has been found to be registering inaccurately or has ceased to register. Should the meter register inaccurately or cease to register, the meter shall be promptly repaired or replaced by the Town, at the expense of the Town, and the quantity of water consumed during the month(s) it is reasonably believed the meter malfunctioned shall be estimated by an average of the readings of the meter on the same property for the same month(s) in the two previous years when the meter was in good working order, and the customer's bill shall be adjusted accordingly. If data for the past two year's readings for the month(s) in question is not available, the average usage for the last six months will be used and the customer's bill will be adjusted accordingly.

23.10. Meter Testing

23.10.1. In the case of a disputed account involving the accuracy of a meter, such meter shall be tested at the request of the customer or Town in conformity with the provisions of the Town water regulations. In the event that the meter so tested is found to have an error in registration in excess of 5% slow or fast, the bill shall be adjusted accordingly pursuant to the procedures found in 23.8.

23.10.2. When meters are removed after installation at the request of the Property owner or occupant for testing, the following rules shall apply: The Town shall upon written request of a property owner and occupant and, if he/she desires, in his/her presence or that of an authorized representative, make attest of the accuracy of the meter. When a property owner or occupant desire, either personally or through a representative, to witness the testing of a meter to be sealed in his/her presence before removal, which seal shall not be broken until the test is made in his/her presence. If the meter so tested shall be found to be accurate within limits specified in 23.10.1, the cost for removing, testing and replacing the meter shall be paid by the property owner or occupant requesting such test, but if not so found, then the cost thereof shall be borne by the Town.

23.10.3. When meters are removed after installation at the request of the Town for testing, the following rules shall apply: The Town shall, in the presence of the property owner or occupant or an authorized representative (if so desired), test the accuracy of the meter. When a property owner or occupant desires to personally witness the testing of a meter or have an authorized representative do the same, the property owner or occupant may require a meter to be sealed in his/her presence before removal, which seal shall not be broken until the test is made in his/her presence. The cost of removing, testing, and replacing the meter for all tests initiated by the Town shall be paid by the Town, except in instances where (a) the meter so tested is found to not be accurate within the limits specified above in

23.10.1 and (b) there is evidence that the property owner or occupant's intentional or negligent actions caused the meter's inaccuracy.

SECTION 24. PENALTIES

24.1. Whoever willfully makes any misrepresentations in any application, or makes or maintains any connection with any water main contrary to the authority granted by permits issued by the Town of Greenwood or without a required permit shall be fined such amount established by resolution or ordinance adopted by the Town Council and shall pay the costs of prosecution.

24.2. Where any person is found by any court of competent jurisdiction to be guilty of violating any of the provisions of this Ordinance, the court may, upon application by the Town and in the exercise of its reasonable discretion, order such person to reimburse the Town for any expense, loss or damage experienced by the Town by reason of such violation, including, but not limited to, the Town's reasonable attorneys' fees, professional fees, and cost of prosecution.

24.3. Each day or part of a day that an offense occurs or continues shall be deemed to be a separate offense.

24.4. Violation of Section 21, Water Emergencies, shall not be punishable by imprisonment. Violators of this Ordinance shall be fined an amount as established by resolution or ordinance adopted by the Town Council and shall pay the costs of prosecution. The owner or tenant of properties cited for illegal water use under this section shall be required to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges. Fines shall be paid to the Town of Greenwood by cash or check to the Town's post office box which shall be stated on all citations or at the Town Hall. Unpaid, uncontested fines may be debited against the municipal account of the cited party and will be subject to collection (pursuant to the Town water bill collection policies).

SECTION 25. EMERGENCY SHUTDOWN

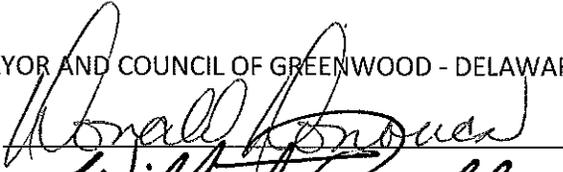
25.1. When a water user's action or failure to act is determined by the Town to have caused said emergency condition, the water user shall be responsible for reimbursing the Town for all incurred expenses, including but not limited to, charges for Contractor or Consulting Engineer services, overtime compensation for Town employees, materials, equipment, testing and inspections of repairs or other remedial work on the Town of Greenwood Water System, public infrastructure or private property owned by others.

APPROVED by a majority of the elected Council members

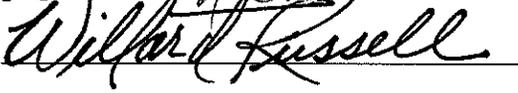
of the Town of Greenwood, the 1st day of May, 2012.

MAYOR AND COUNCIL OF GREENWOOD - DELAWARE

By:



Attest:



(SEAL)

Secretary of Council



EXHIBIT A

WATER AND SEWER RATE

SCHEDULE

Effective with the 9/30/11 utility billing, the following rates will apply to your individual water usage:

WATER RATES –

0 GALLONS	\$20.00 FLAT RATE
1 – 3,000 GALLONS	\$30.00 FLAT RATE
3,000 + GALLONS	\$2.42 PER 1,000 GALLONS

SEWER RATES –

0 GALLONS	\$30.00 FLAT RATE
1 – 3,000 GALLONS	\$45.00 FLAT RATE
3,000 + GALLONS	\$6.15 PER 1,000 GALLONS

NOTE : If you have multiple users hook to one water meter you will be charged for multiple minimums.

An example would be you have one water meter but you have a residence and a rental property using water, you will be charged for 2 minimums and your gallons would be 6,000.