



Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

John L. Chandler
Mayor
Nicholas A. Honeycutt
Vice-Mayor
Robert W. Zink
Treasurer
Stuart L. Jolley
Clerk
Larry H. Davis
Secretary

MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room December 6, 2021 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, December 6, 2021, at 6:00 p.m. in the Mars Hill Town Hall.

MEMBERS PRESENT: Mayor John Chandler; Aldermen Larry Davis, Nicholas Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink.

STAFF PRESENT: Nathan R. Bennett, Town Manager; Jamie Stokes, Town Attorney; and Larry Leake, District Court Judge

OTHERS PRESENT: Johnny Casey, News-Record Sentinel; Bill Downey, and Alyssa Phillips.

Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. **Alderman Bob Zink made a motion that the agenda be approved as presented.** Alderman Nicholas Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

Approval of Minutes

Mayor Chandler then asked the Board to review the minutes of the regular meeting held on November 1, 2021. There being no modifications to the minutes, **Alderman Stuart Jolley made a motion that the minutes for November 1, 2021, be approved as presented by management.** Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

Organizational Meeting

Mayor Chandler reported that immediately prior to this meeting, Judge Larry Leake administered the oath of office to those officials that were recently elected on November 2, 2021. Those elected were Mayor John Chandler and Alderman Nicholas Honeycutt and Alderman Bob Zink. Mayor Chandler thanked Judge Leake for his assistance tonight and expressed appreciation to the voters for entrusting him and the aldermen with another term. (Attachment B)

Election of Board Officers – Vice-Mayor, Treasurer, Clerk, and Secretary

Mayor Chandler then advised that the Board must hold an organizational meeting to elect the members who will serve in the board offices of Vice-Mayor, Treasurer, Clerk and Secretary. **Alderman Davis made a motion to keep the current alignment of Board officers, those being Alderman Nicholas Honeycutt as Vice-Mayor,**

Alderman Bob Zink as Treasurer, Alderman Stuart Jolley as Clerk, and Alderman Larry Davis as Secretary. Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

Old Business

Mayor Chandler then moved to address old business. There was no old business.

New Business

Mayor Chandler then moved to address new business.

AUDIT REPORT – FISCAL YEAR 2020-2021

Mayor Chandler recognized Mr. Dan Mullinix with Gould Killian CPA Group who provided information concerning the recently completed comprehensive audit for Fiscal Year 2020-2021. Mr. Mullinix advised that this was a good audit and the firm issued an unmodified “clean” opinion and the audit report was filed on-time with the N.C. Local Government Commission last week. He reported that the Town has again improved its financial position and noted increased ad valorem tax revenues due to an increase in the property tax base from the recent Madison County property reappraisal. There was a slight increase in expenses, primarily due to personnel costs and response to COVID-19. Upon completion of the presentation and questions from the Board, Mayor Chandler thanked Mr. Mullinix for the presentation and the work done by town staff and the audit firm. The full audit report can be found on the Town website.

ORDINANCE – Water System – Cross-Connection Control Ordinance

Mayor Chandler recognized Town Manager Nathan Bennett to provide information concerning the proposed Cross-Connection Control Ordinance. Mr. Bennett advised the Board that as a result of the normal annual inspection in late August 2021 by the N.C. Department of Environmental Quality, it was discovered that the Town needed to enact a Cross-Connection and Backflow Prevention policy and/or an ordinance to ensure the Town is compliant with all Federal and State laws and codes to protect the public water supply from potential contamination. The State gave the Town 120 days to develop and implement said policy, that being by the end of December 2021. Mr. Bennett advised that he has worked with water department staff, the DEQ, and others utilizing the model state policy and example ordinance from nearby towns, to draft this proposed ordinance that meets the state requirements. Mr. Bennett thoroughly reviewed the ordinance and advised that the purpose of the ordinance is to define the Town’s role in eliminating all cross-connections in our water system. The objective is to protect the public water supply from potential contamination by isolating it from each customer’s private water system, systematically work to eliminate any cross-connections and establish an inspection program to ensure compliance with the provisions of the ordinance. Town staff will determine the degree of hazard of potential customers and determine the degree of protective device required to ensure the safety of the public water supply. The water customers will be required to have the devices determined to be necessary for their particular situation, and at their expense have the device installed, tested, and provide documentation to the Town to ensure compliance. Mr. Bennett reviewed the other sections of the ordinance to include requirements for fire protections systems and the enforcement of provisions of the ordinance.

Upon completion of discussion of the proposed ordinance Mayor Chandler called for a motion. **Alderman Honeycutt made a motion to approve the ordinance entitled “CROSS-CONNECTION CONTROL ORDINANCE FOR THE TOWN OF MARS HILL.”** Alderman Zink seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment C)

Main Waterline / Road Maintenance Proposal

Mayor Chandler then moved to discussion of a proposal for repairs and maintenance to a road providing access to the Town's main water supply line off Laurel Valley Road on property now owned by Mt. Eagle Enterprises, LLC, with managing partners David and Laura Hopper. Mr. Bennett advised that upon change in ownership this summer, the new owner and Town officials reviewed the roadway and condition of the waterline easement area. It was discovered there are sections of the road that need improvement to control erosion improve access and potential exposure of the waterline. In August, the Town contracted with McGill Associates engineering firm to survey the waterline area and provide a GIS survey of the waterline position to aid in the identification and maintenance of the water line. Upon completion of discussion of the proposed scope of work and project cost, Mayor Chandler called for a motion. **Alderman Honeycutt made a motion to approve the Laurel Valley Road Proposal from Sam Burnette Grading with the verification of appropriate contractor liability insurance coverage.** Alderman Zink seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

Records Retention and Disposition Schedule

Mayor Chandler then moved to discussion of the Records Retention and Disposition Schedule for Municipal and General Records for Local Governments. Mr. Bennett advised the Board that the Town has older records that may be destroyed as they are no longer required to be maintained. Further, he advised that the North Carolina Department of Natural and Cultural Resources, Division of Archives and Records, has developed policies and procedures for state and local governments to follow regarding records that do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified in the state schedule and authorizes those records to be destroyed or otherwise disposed of by the local government or official having custody of them. Mr. Bennett advised that in order for the Town to dispose of these documents, the Town must approve the applicable retention schedules for local governments. Upon completion of discussion of the records and retention schedules, Mayor Chandler called for a motion. **Alderman Zink made a motion to approve the Records and Retention and Disposition Schedules for Municipal (September 10, 2012 version) and General Records Schedule for Local Government Agencies (March 1, 2019 version).** Alderman Davis seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachments D and E respectively)

February 2022 Regular Meeting – Proposed Location Change

Mayor Chandler then moved to discussion of a request for the Board to hold its' February 2022 meeting at the Mars Hill Anderson Rosenwald School. Mr. Bennett advised the Board that members of the Friends of the Mars Hill Anderson Rosenwald School met with him last week to request the Board consider holding an official meeting at the recently restored schoolhouse on Long Ridge Road. Mr. Bennett advised that the Friends group has done tremendous work to save and restore this historic property and they are now ready to host events with government and non-profit groups to highlight the facility and let the community know more about this property with historic significance to the African-American community and the entire community at large. Upon completion of discussion of the request, Mayor Chandler called for a motion. **Alderman Jolley made a motion that the Mars Hill Mayor and Board of Alderman regular meeting scheduled for February 2022 be held at the Mars Hill Anderson Rosenwald School and that all appropriate notifications be made to the public and media as appropriate to meet the lawful notice of meeting location change.** Alderman Zink seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

Town Manager Report – Nathan Bennett, Town Manager

Mayor Chandler then recognized Mr. Bennett to provide the Town Manager Report.

COVID-19 Response

Mr. Bennett provided the Board an update on the continuing Town response to the coronavirus and COVID-19 situation. The Town continues to be under the state and locally designated state of emergency in response to COVID-19. Mr. Bennett provided the most recent numbers from the NCDHHS Dashboard for Madison County, reporting daily positivity rate of 3.9% for the past 14 days with the average rate for November around 4.5%. He advised there is a new COVID-19 variant making the news in the past couple of weeks, but the details of the transmissibility and other factors of the omicron variant are yet unknown. Mr. Bennett that there have been no serious issues to note due to COVID with Town operations.

General Update

Mr. Bennett advised the Board that in regard to the petition received and reported to the Board at the November meeting from the residents of Mountain View Drive and Pine Ridge Road requesting additional speed control measures (i.e., speed bumps) to address a problem with speeding vehicles in that area, he reported that an investigation was made into the matter and last week two additional speed bumps were installed.

Mr. Bennett advised the Board that there are a couple of pending staffing vacancies to note at this time. He advised that the one of the water treatment plant operators will be retiring in March 2022. Mr. Bennett advised that he has already posted the position with local newspapers and online recruitment websites and plans to work aggressively to fill that position as soon as possible. Mr. Bennett also advised the Board that one of our full-time police officers has resigned to take a position with a family business opportunity. He advised that the police chief is also aggressively recruiting to fill that position and another unfilled vacancy.

Mr. Bennett advised the Board that the Town Christmas Luncheon will be Wednesday, December 22 at noon at Town Hall. He also reminded the Board of the dates observed by the Town for the holiday period, those being December 23, 24, and 27 for Christmas and December 31 for the New Year Holiday. Mr. Bennett updated the Board on other items of interest to the Board.

Public Comment

Mayor Chandler then moved to public comment. There were no public comments.

Closed Session (Pursuant to N.C.G.S. 143-318.11)

There was no closed session.

Adjourn

There being no further business before the Board, Mayor Chandler called for a motion to adjourn. **Alderman Zink made a motion to adjourn.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.


Approved and authenticated this the 3rd day of January, 2022.

ATTEST:



Nathan R. Bennett,
Town Manager




John L. Chandler, Mayor



Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

John L. Chandler
Mayor
Nicholas A. Honeycutt
Vice-Mayor
Robert W. Zink
Treasurer
Stuart L. Jolley
Clerk
Larry H. Davis
Secretary

AGENDA

REGULAR MEETING

Mars Hill Town Hall Conference Room

December 6, 2021 at 6:00 p.m.

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Approval of Minutes: November 1, 2021
4. Organizational Meeting
 - a. Election of Board Officers – Vice-Mayor, Treasurer, Clerk, and Secretary
 - b. Other Organizational Items
5. Old Business
6. New Business
 - a. **AUDIT REPORT – FISCAL YEAR 2020-2021** – Dan Mullinix, Gould Killian CPA Group
 - b. **ORDINANCE** – Water System – Cross-Connection and Back-Flow Prevention Ordinance
 - c. Main Waterline / Road Maintenance Proposal
 - d. Records Retention and Disposition Schedule (Municipal & General Records for Local Governments
 - e. February 2022 Regular Meeting – Proposed Location Mars Hill Anderson Rosenwald School
7. Town Manager Report – Nathan Bennett, Town Manager
 - a. COVID-19 Response Update
 - b. General Update
8. Public Comment
[Policy: Each speaker shall be limited to a maximum of three (3) minutes. The public comment period is not intended to require the Board of Aldermen or staff to answer any impromptu questions. The Board will not take action on an item presented during the public comment period. The Board may refer inquiries made during the public comment period to the Town Manager to address as appropriate. If necessary, the item may be placed on the agenda of a future meeting.]
9. Closed Session (*Pursuant to N.C.G.S. 143-318.11 – if needed*)
10. Adjourn

Mars Hill Town Hall

280 North Main Street • P.O. Box 368

Mars Hill, North Carolina 28754

Phone: (828) 689-2301 • Fax: (828) 689-3333



Town of Mars Hill

OATH OF OFFICE

The Honorable

JOHN L. CHANDLER

MAYOR

Town of Mars Hill

Mayor and Board of Aldermen

North Carolina Constitution, Article VI, Sec. 7 Oath

I, **JOHN L. CHANDLER**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as **MAYOR** for the Town of Mars Hill, so help me God.

North Carolina General Statute 11-7 Oath

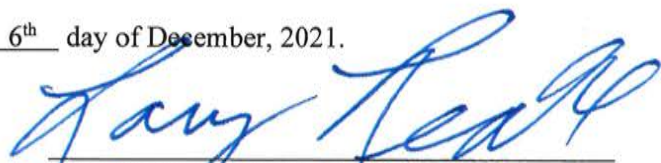
I, **JOHN L. CHANDLER**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

This the 6th day of December, 2021.


JOHN L. CHANDLER

STATE OF NORTH CAROLINA
MADISON COUNTY

Oath of office administered this the 6th day of December, 2021.


THE HONORABLE LARRY LEAKE,
District Court Judge, 24th Judicial District of N.C.



Town of Mars Hill

OATH OF OFFICE

The Honorable

NICHOLAS A. HONEYCUTT

ALDERMAN

Town of Mars Hill

Mayor and Board of Aldermen

North Carolina Constitution, Article VI, Sec. 7 Oath

I, **NICHOLAS A. HONEYCUTT**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as **ALDERMAN** for the Town of Mars Hill, so help me God.

North Carolina General Statute 11-7 Oath

I, **NICHOLAS A. HONEYCUTT**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

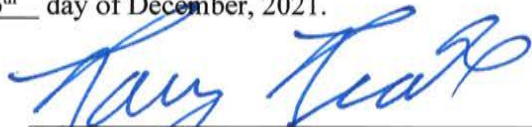
This the 6th day of December, 2021.



NICHOLAS A. HONEYCUTT

STATE OF NORTH CAROLINA
MADISON COUNTY

Oath of office administered this the 6th day of December, 2021.



THE HONORABLE LARRY LEAKE,
District Court Judge, 24th Judicial District of N.C.



Town of Mars Hill

OATH OF OFFICE

The Honorable

ROBERT W. ZINK

ALDERMAN

Town of Mars Hill

Mayor and Board of Aldermen

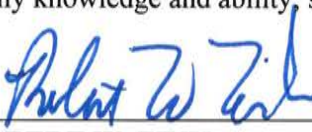
North Carolina Constitution, Article VI, Sec. 7 Oath

I, **ROBERT W. ZINK**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as **ALDERMAN** for the Town of Mars Hill, so help me God.

North Carolina General Statute 11-7 Oath

I, **ROBERT W. ZINK**, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

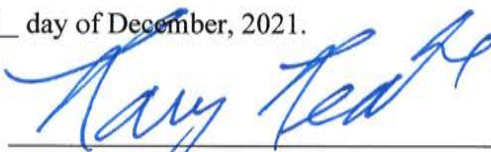
This the 6th day of December, 2021.



ROBERT W. ZINK

STATE OF NORTH CAROLINA
MADISON COUNTY

Oath of office administered this the 6th day of December, 2021.



THE HONORABLE LARRY LEAKE,
District Court Judge, 24th Judicial District of N.C.

CROSS-CONNECTION CONTROL ORDINANCE

Town of Mars Hill

Be It Ordained by the Mayor and Board of Aldermen for the Town of Mars Hill, North Carolina, an ordinance entitled “Cross-Connection Control Ordinance” as follows:

I. INTRODUCTION

The purpose of this Cross-connection Control Ordinance is to define the authority of the Town of Mars Hill as the water purveyor (hereinafter the “Town”) in the elimination of all cross-connections within its public potable water supply.

This Ordinance shall apply to all users connected to the Town of Mars Hill public potable water supply regardless of whether the user is located within the town limits or outside of the town limits.

This Ordinance will comply with the Federal Safe Drinking Water Act (P.L. 93-523), the North Carolina State Administrative Code (Title 15A, Subchapter 8C), and the North Carolina State Building Code (Volume II) as they pertain to cross-connections with the public water supply.

II. OBJECTIVES OF ORDINANCE

The specific objectives of the Cross-connection Control Ordinance for the Town of Mars Hill are as follows:

- a. To protect the public potable water supply system against actual or potential contamination by isolating within each consumer’s private water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water system.
- b. To eliminate or control existing cross-connections, actual or potential, between each consumer’s potable water system and non-potable or industrial piping system(s).
- c. To provide a continuing inspection program of cross-connection control which will systematically and effectively control all actual or potential cross-connections that may be installed in the future.

III. RESPONSIBILITIES

Health Agency, Water Purveyor, Plumbing Official, Consumer, Certified Tester.

1. Responsibility: Health Agency

The North Carolina Department of Environmental Quality (Division of Health Services) has the responsibility for promulgating and enforcing laws, rules, regulations, and policies to be followed in carrying out an effective Cross-connectionControl Program.

The N.C. Division of Health Services also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazards, including unprotected cross-connections. They have the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer's water system and, further, that the purveyor requires the installation, testing, and maintenance of an approved backflow prevention assembly on the service connection as required.

2. Responsibility: Water Purveyor

Except as otherwise provided herein, it is the Town's responsibility to take reasonable steps to prevent foreseeable risks to a safe water supply, beginning at the purveyor's raw water intake and ending at the point of delivery to each consumer's water system. In addition, the Town is required to exercise reasonable vigilance to ensure that the consumer has taken the proper steps to protect the public potable water system. To ensure that the proper precautions are taken, the Town is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the Town shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the Town, to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

3. Responsibility: Plumbing Inspections

By contractual arrangement between the Town and Madison County the County Building Inspections Department (the “Building Department”) has the responsibility to review building plans and inspect plumbing as it is installed; pursuant to this ordinance the Town delegates to the Building Department the explicit authority to prevent cross-connections from being designed and built into the plumbing system within its jurisdiction. Where the review of building plans suggests or specifies designs with the potential for cross-connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross-connections be either eliminated or provided with backflow prevention equipment approved pursuant to the Code.

The plumbing inspector’s responsibility begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the consumer’s water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross-connection might be made or where one is called for by the plans. When such actual or potential cross-connection is discovered, it shall be mandatory that a suitable backflow prevention assembly, approved by the North Carolina Building Code, the Division of Environmental Quality and/or the Town as applicable, be required by the plans and be properly installed.

4. Responsibility: Consumer

The consumer has the primary responsibility of preventing pollutants and contaminants from entering the consumer’s potable water system and the public potable water system. The consumer’s responsibility starts at the point of delivery from the public potable water system and includes all components of the consumer’s water system or systems. The consumer, at the consumer’s own expense, shall install, operate, test, and maintain approved backflow prevention assemblies as directed by the Town or the Building Department. The consumer shall maintain accurate records of tests and repairs made to the backflow prevention assemblies and shall maintain such records for a minimum period of three (3) years. The records shall be on forms approved by the Town and shall include the list of materials or replacement parts used. Following any repair, overhaul, re-piping or relocation of an assembly, the consumer shall have it tested to ensure that it is in good operating condition and will prevent backflow. Tests, maintenance, and repairs of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester.

5. Responsibility: Certified Backflow Prevention Assembly Tester

When employed by the consumer to test, repair, overhaul, or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Town of Mars Hill. The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair, and maintain backflow prevention assemblies. It will be the tester's responsibility to ensure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the Town and the County Building Inspections Department. A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Town within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years.

All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment that has been evaluated and/or approved by the Town and the Building Department. All test equipment shall be registered with the Town, and shall be checked for accuracy at least annually, calibrated, if necessary, and certified as to such calibration, employing an accuracy/calibration method acceptable to the Town.

All certified backflow prevention assembly testers must be certified or recertified within the prior 24 months through an approved backflow prevention certification program before submitting an acceptable verification pursuant to this ordinance.

IV. DEFINITIONS

1. Air-Gap Separation

The term "air-gap separation" shall mean a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel - in no case less than 1 inch (2.54 cm).

2. Approved

The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the North Carolina Department of Environmental Quality. The term "approved" as herein used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced-pressure principle backflow prevention assembly, a reduced pressure principle detector assembly, or other backflow prevention assemblies or methods shall mean an approval by the Town.

3. Backflow

The term “backflow” shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

4. Backflow Prevention Assembly, Approved

The term “approved backflow prevention assembly” shall mean an assembly used for containment and/or isolation purposes that has been investigated and approved by the Town and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), the Foundation for Cross-connection Control and Hydraulic Research of the University of Southern California, or other equivalent association. The approval of backflow prevention assemblies by the Town is based on a favorable report by the one of the above recommending such an approval. To be approved, an assembly must be readily accessible for in-line testing and maintenance, and shall successfully complete a one-year field evaluation within the Town of Mars Hill’s water system.

5. Backflow Prevention Device, Approved

The term “approved backflow prevention device” shall mean a device used for isolation purposes that has been investigated by the Town and found to be acceptable, based upon it meeting the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA) or other equivalent association.

6. Backflow Prevention Assembly, Unapproved

The term “unapproved backflow prevention assembly” shall mean an assembly that has been investigated by the Town and has been determined to be unacceptable for installation. Consideration for disapproval and removal from the “Approved List” shall be based upon, but not limited to, the following criteria:

- a. poor performance standards (significant failure rate);
- b. lack of or unavailability of repair parts; and/or
- c. poor service or response from assembly’s factory representative(s).

7. Backflow Prevention Assembly; Types

A “backflow prevention assembly” shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard, either existing or potential (as defined herein). The types are:

- a. Double Check Valve Assembly (DCVA)
- b. Double Check Detector Assembly (Fire System) (DCDA)
- c. Pressure Vacuum Breaker (PVB)
- d. Reduced Pressure Principle Assembly (RP)
- e. Reduced Pressure Principle-Detector Assembly (Fire System) (RPDA)

8. Backflow Prevention Assembly Tester, Certified

The term “certified backflow prevention assembly tester” shall mean a person who has proven their competency to the satisfaction of the Town. Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations and must hold a current certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

9. Back-Pressure Backflow

“Back-Pressure backflow” shall mean any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery which would cause - or tend to cause - a reversal of the normal direction of flow.

10. Back-Siphonage Backflow

“Back-siphonage backflow” shall mean a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

11. Check Valve, Approved

The term “approved check valve” shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one (1) psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (e.g., clapper, poppet, or other design) shall be

internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly - i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly, or reduced pressure detector assembly.

12. Consumer

The term “consumer” shall mean any person, firm, or corporation using or receiving water from the Town’s water system.

13. Consumer’s Water System

The term “consumer’s water system” shall include any water system commencing at the point of delivery and continuing throughout the consumer’s plumbing system, located on the consumer’s premises, whether supplied by a public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

14. Consumer’s Potable Water System

The term “consumer’s potable water system” shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, store, or use potable water.

15. Containment

The term “containment” shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

16. Contamination

The term “contamination” shall mean an impairment of the quality of the water that creates a potential or actual hazard to the public health through the introduction of hazardous or toxic substances or through the spread of disease by sewage, industrial fluids, or waste.

17. Cross-connection

The term “cross-connection” shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer’s water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow

can or may occur are considered to be cross-connections.

18. Double Check Valve Assembly

The term “double check valve assembly” shall mean an assembly composed of two (2) independently acting, approved check valves, including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

19. Double Check-Detector Assembly

The term “double check-detector assembly” shall mean a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

20. Hazard, Degree of

The term “degree of hazard” shall be derived from the evaluation of conditions within a system that can be classified as either a pollutant (non-health) hazard or a contamination (health) hazard.

21. Hazard, Health

The term “health hazard” shall mean an actual or potential threat of contamination of a physical, hazardous or toxic nature to the public or consumer’s potable water system to such a degree or intensity that there would be a danger to health.

22. Hazard, Non-Health

The term “non-health hazard” shall mean an actual or potential threat to the quality of the public or the consumer’s potable water system. A non-health hazard is one that, if introduced into the public water supply system could be a nuisance to water customers, but would not adversely affect human health.

23. Hazard, Pollutant

The term “pollutant hazard” shall mean an actual or potential threat to the quality or the potability of the public or the consumer’s potable water system but that would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable, or could cause minor damage to the system or its appurtenances.

24. Health Agency

The term “health agency” shall mean the North Carolina Department of Environmental Quality.

25. Industrial Fluids

The term “industrial fluids” shall mean any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

26. Industrial Piping System, Consumer’s

The term “consumer’s industrial piping system” shall mean any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, or store substances that are or may be polluted or contaminated.

27. Isolation

“Isolation” is the act of confining a localized hazard within a consumer’s watersystem by installing approved backflow prevention assemblies.

28. Point Of Delivery

“Point of delivery” shall generally be at the property line of the customer, adjacent to the public street where the Town mains are located, or at a point on the customer’s property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer’s side of the point of delivery.

29. Pollution

The term “pollution” shall mean an impairment of the quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such water for domestic use.

30. Potable Water

The term “potable water” shall mean water from any source that has been investigated by the North Carolina Department of Environmental Quality and which has been approved for human consumption.

31. Public Potable Water System

The term “public potable water system” shall mean any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environmental Quality permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, treat, or store potable water for public consumption or use.

32. Reduced Pressure Principle Backflow Prevention Assembly

The term “reduced pressure principle backflow prevention assembly” shall mean an assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by discharge to atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

33. Reduced Pressure Principle-Detector Assembly

The term “reduced pressure principle-detector assembly” shall mean a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against health hazard (i.e., contaminant).

34. Service Connections

The term “service connection” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system.

35. Vacuum Breaker, Atmospheric

The term “atmospheric vacuum breaker” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town loses

jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.

36. Vacuum Breaker, Pressure

The term "pressure vacuum breaker" shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a back-siphonage condition only.

37. Water Purveyor

The term "water purveyor" shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.

38. Water Supply, Approved

The term "approved water supply" shall mean any public potable water supply that has been approved by the North Carolina Department Environmental Quality.

39. Water Supply, Auxiliary

The term "auxiliary water supply" shall mean any water supply on or available to the premises other than the purveyor's approved public potable water supply. Auxiliary water supplies may include water from another purveyor's public water supply or any natural source such as well, spring, river, stream, etc. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

40. Water Supply, Unapproved

The term "unapproved water supply" shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality.

41. Water, Used

The term "used water" shall mean any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

V. RIGHT OF ENTRY

Authorized representative(s) from the Town of Mars Hill shall have the right to enter, upon presentation of proper credentials and identification, any building, structure, or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this Ordinance. Those duties may include sampling and testing of water, or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that upon presentation of suitable identification, Town personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service. On request, the consumer shall furnish to the Town any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.

VI. ELIMINATION OF CROSS-CONNECTIONS: DEGREE OF HAZARD

When cross-connections are found to exist, the owner, his agent, occupant, or tenant will be notified in writing to disconnect the same within the time limit established by the Town. Degree of protection required, and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

1. Cross-connections with private wells or other auxiliary water supplies shall be immediately disconnected.
2. All facilities which pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.
3. All industrial and commercial facilities not identified as a "health hazard" shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.
4. If, in the judgment of the Town, an imminent health hazard exists, water service to the building or premises where a cross-connection exists may be terminated unless an air gap is immediately provided, or the cross-connection is immediately eliminated.
5. Based upon recommendation from the Town, the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly). Disclaimer: The Town of Mars Hill may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.
6. In the event that the Town Public Works Director or designee does not have sufficient

access to every portion of a private water system (i.e., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.

7. No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

VII. INSTALLATION OF ASSEMBLIES

1. All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the Town and/or the manufacturer's installation instructions and/or in the latest edition of the North Carolina Building Code, whichever is most restrictive.
2. All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Department of Environmental Quality, shall be made available to the Town of Mars Hill for review and approval, and to determine the degree of hazard.
3. Ownership, testing, and maintenance of the assembly shall be the responsibility of the customer.
4. All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary.
5. Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited). Double check valve assemblies may be installed in a vertical position with prior approval from the Town, provided the flow of water is in an upward direction.
6. Any installed unapproved backflow prevention assembly must be replaced with an approved backflow prevention assembly.
7. The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Town within fifteen (15) days after a reduced pressure principle backflow preventer (RP), double check-detector assembly (DCDA), pressure vacuum breaker (PVB), or reduced pressure principle detector assembly (RPDA) is installed:
 - a. service address where assembly is located;
 - b. owner (and address, if different from service address);
 - c. description of assembly's location;

- d. date of installation;
- e. installer (include name, certification number, and project permit number);
- f. type of assembly, size of assembly;
- g. manufacturer, model number, serial number; and
- h. test results/reports.

8. When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. The Town of Mars Hill will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.

9. The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

- Health Hazard. 60 days
- Non-Health Hazard. 90 days

10. Following installation, all RP, DCVA, PVB, DCDA, and RPDA assemblies are required to be tested by a certified backflow prevention assembly tester within ten (10) days.

VIII. TESTING AND REPAIR OF ASSEMBLIES

1. Testing of backflow prevention assemblies shall be made by a certified backflow prevention assembly tester. Such tests are to be conducted upon installation and annually thereafter or at a frequency established by the Town. A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Town within ten (10) business days after the completion of any testing and/or repair work.

2. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Town, these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

- a. Health Hazard Facilities14 days
- b. Non-Health Hazard Facilities21 days

3. All backflow prevention assemblies with test cocks are required to be tested annually or at frequency established by Town’s regulations. Testing requires a water shutdown usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a parallel installation of backflow prevention assemblies.

4. All certified backflow prevention assembly testers must obtain and employ backflow

prevention assembly test equipment which has been evaluated and/or approved by the Town. All test equipment shall be registered with the Town. All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Town as to such accuracy/calibration, employing a calibration method acceptable to the Town.

5. It shall be unlawful for any customer or certified tester to submit any record to the Town which is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the Town any record which is required by this Ordinance.

IX. FACILITIES REQUIRING PROTECTION

Approved backflow prevention assemblies shall be installed on the service line to any premises that the Town has identified as having a potential for backflow.

The following types of facilities or services have been identified by the Town as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town. As a minimum requirement, all commercial services will be required to install a Double Check Valve Assembly, unless otherwise listed below.

DCVA = Double Check Valve Assembly
RP = Reduced Pressure Principle Assembly
DCDA = Double Check Detector Assembly
RPDA = Reduced Pressure Detector Assembly
AG = Air Gap
PVB = Pressure Vacuum Breaker

1. Aircraft and Missile Plants: RP
2. Automotive Services Stations, Dealerships, etc.
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
3. Automotive Plants: RP
4. Auxiliary Water Systems:
 - a. Approved Public/Private Water Supply: DCVA
 - b. Unapproved Public/Private Water Supply: AG
 - c. Used Water and Industrial Fluids: RP
5. Bakeries:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
6. Beauty Shops/Barber Shops

- a. No Health Hazard: DCVA
 - b. Health Hazard: RP
7. Beverage Bottling Plants: RP
 8. Breweries: RP
 9. Buildings - Hotels, apartment houses, public and private buildings, or other structures having unprotected cross-connections.
 - a. (Under five stories) No Health Hazard: DCVA
 - b. (Under five stories) Health Hazard: RP
 - c. (Over five stories) All: RP
 10. Canneries, packing houses, and rendering plants: RP
 11. Chemical plants - Manufacturing, processing, compounding or treatment: RP
 12. Chemically contaminated water systems: RP
 13. Commercial car-wash facilities: RP
 14. Commercial greenhouses: RI
 15. Commercial sales establishments (department stores, malls, etc.)
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
 16. Concrete/asphalt plants: RP
 17. Dairies and cold storage plants: RI
 18. Dye works: RI
 19. Film laboratories: RI
 20. Fire systems
 - Systems ¾-inch to 2-inch
 - a. No Health Hazard: DCDA
 - b. Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.) RPDA
 - Systems 2 ½-inch to 10-inch, or larger
 - a. No Health Hazard: DCDA
 - b. Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.) RPDA
 21. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP

22. Industrial facilities:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
23. Laundries:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: (i.e., Dry Cleaners): RP
24. Lawn irrigation systems (split taps):
 - a. No Health Hazard: DCVA
 - b. Health Hazard: (Booster Pumps, Chemical Systems): RP
25. Metal manufacturing, cleaning, processing, and fabricating plants: RP
26. Mobile home parks:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RI
27. Oil and gas production, storage or transmission properties: RP
28. Paper and paper products plants: RP
29. Pest control (exterminating and fumigation): RP
30. Plating Plant: RP
31. Power Plants: RP
32. Radioactive materials or substances. plants or facilities handling: RP
33. Restaurants
 - a. No Health Hazard: DCDA
 - b. Health Hazard: RP
34. Restricted, classified, or other closed facilities: RP
35. Rubber plants (natural or synthetic): RP
36. Sand and gravel plants: RP
37. Schools and colleges: RP
38. Sewage and storm drain facilities: RP
39. Swimming Pools: RP

40. Waterfront facilities and industries: RP

All assemblies and installations shall be subject to inspection and approval by the Town.

X. CONNECTIONS WITH UNAPPROVED SOURCES OF SUPPLY

1. No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Environmental Quality to the water system supplied by the Town. Any such connections allowed by the Town must be in conformance with the backflow prevention requirements of the Ordinance.
2. In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the Town immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

XI. FIRE PROTECTION SYSTEMS

1. All connections for fire protection systems connected with the public water system, two (2) inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.
2. All connections for fire protection systems connected with the public water system greater than two (2) inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.
3. All existing backflow prevention assemblies two and one-half (2 ½) inches and larger installed on fire protection systems (that were initially approved by the Town, or Madison County, as applicable) shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this Ordinance. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.
4. Town Hydrants. Location and number of hydrants in any area depends upon the water flow required. Since street intersections are usually the best locations for hydrants, the standard policy shall be to place at least one hydrant at each intersection and add intermediate hydrants, when necessary, to attain standard distribution, at least every 1,000 linear feet.
5. Private Fire Line.
 - a. General. Private protection is provided from the water system through fire service connections intended to supply sprinklers, standpipe, water spray, foam, and yard hydrant systems located on private property. Fire service connections are required to extend from the water system directly to the private fire extinguishing system

with no connections for domestic use located downstream of the detector-check valve and meter.

b. Intent. It is the intent of this policy to prohibit any and all losses of water from fire lines serving private property except for authorized testing and maintenance as provided herein and actual fire suppression purposes. Such prohibited losses include but are not limited to leakage (whether from underground systems, systems within buildings, valves, and other appurtenances), consumption of water through the private fire line system by the opening of fire hydrants or taps within the system and any unauthorized testing of the system.

c. Detectors Required.

1. All new and existing fire line connections to private property shall be equipped at the expense of the owner, with a detector-check valve and meter assembly.
2. All detector-check valves and meter assemblies installed after January 1, 2022, shall be reduced pressure type double check, double gate valve assemblies consisting of a mainline reduced pressure configured backflow assembly in parallel with a by-pass meter assembly. The by-pass meter assembly shall consist primarily of a bronze positive displacement water meter in series with a bronze reduced pressure backflow preventer and shall be equipped with shutoff valves and testcocks. The mainline gate valves are considered integral to the assembly and shall be of the resilient wedge, OS & Y type, UL/FM listed for fire line service and shall be equipped with testcocks. Assemblies must be factory assembled and tested to assure proper backflow protection and mainline/by-pass balance and cross-over performance.
3. Reduced pressure detector assemblies shall meet all specification of and shall be approved by the American Society of Sanitary Engineers or other equivalent association.
4. Underground vaults for reduced pressure detector assemblies shall include a four (4) inch minimum diameter free discharge drain to daylight. If drain pipe cannot be daylighted with an underground vault the reduced pressure detector and gate valve assembly shall be installed in an above ground, heated, weatherproof structure with a daylighted drain.
5. Prior to installation of any new or replacement detector-check valve and meter the customer (owner) shall submit specifications of the detector-check valve and detailed plans of the installation to the Town for approval.

d. Charges for Fire Line Connections

1. All fire line connections of the water system for the Town shall be subject to a minimum monthly charge. Minimum monthly fire line charges shall be levied by the Town according to the applicable rates,

- fees, and charges schedule, based upon the square inch size of the line as established in the applicable rate schedule.
2. It shall be the duty of the Town to have the detector-check valve meters read on the same schedule and in the same manner as other water meters on the water system.
 3. If during any month the detector-check valve meter for the fire line shows consumption of more than 100 gallons of water on the fire line the customer (owner) shall be billed, in lieu of the minimum monthly charge, according to the applicable rate schedule.
 4. If the monthly readings show consumption of water on the fire line for three (3) consecutive months, it shall be the duty of the water billing department to notify the Town Manager that a violation of the provisions of this ordinance may exist and furnish the Town Manager with the billing records for the fire line showing consumption for three consecutive months. The Town Manager shall immediately send to the customer a notice that there has been consumption of water on the customers fire line for three consecutive months and inform the customer that said consumption is in violation of this ordinance. Said notice shall be sent by Registered Mail to the normal billing address of the customer.
 5. After receipt of the notice as provided for in subsection 4 above, the customer shall take whatever corrective measures are necessary to stop the unauthorized consumption of water on the fire line. If the detector-check valve meter indicates consumption for two (2) additional consecutive months (five consecutive months total) the Town Manager shall notify the customer that the water service to the fire line will be disconnected in 30 days. Said notice shall be sent by Registered Mail to the normal billing address of the customer and shall indicate the date that the fire line will be disconnected.

e. Testing and Maintenance of Fire Lines and Alarm Systems

1. Whenever it is necessary for the customer (owner) of any fire line serving private property to conduct tests of or perform maintenance of the private fire line system said customer (owner) shall notify the Town. Notice of the testing may be given by telephone to the Town Hall and shall be given at least twenty-four (24) hours prior to the scheduled time of the test.
2. Upon receipt of notice as provided for in this section, the Town shall shut off or remove the detector-check valve meter to assure that water used for testing purposes does not register as unauthorized consumption of water on the fire line. Any failure on the part of the Town to shut off or remove the detector-check valve meter will not be considered as unauthorized consumption if proper notice was given in accordance with Section 1 above.
3. Any testing or maintenance conducted without giving proper notice as provided for in this Section shall be considered unauthorized consumption of water on the fire line.

f. Testing and Maintenance of Detector-Check Valves and Meters

All new and existing detector-check valve and meter assemblies shall be tested in accordance with the provides of this ordinance and a report of all such tests shall be filed with the Town Manager.

XII. ENFORCEMENT

1. The owner, manager, supervisor, or person in charge of any installation found not to be in compliance with the provisions of this Ordinance shall be notified in writing with regard to the corrective action(s) to be taken. The time for compliance shall be in accordance with this Ordinance.
2. The owner, manager, supervisor, or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, shall be considered in violation of this Ordinance, and may be issued a civil citation by the Town. Said citation shall specify the nature of the violation and the provision(s) of this Ordinance violated, and further notify the offender that the civil penalty for said violation is as set forth in paragraph (3) below and is to be paid to the Town and payment remitted at Town Hall within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, the Town of Mars Hill may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.
3. Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1,000.00 per violation. Each day in which a violation of any provision of this Ordinance shall occur or continue shall constitute a separate and distinct offense.
4. If, in the judgment of the Town, any owner, manager, supervisor, or person in charge of any installation found to be in non-compliance with the provisions of this Ordinance neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.
5. Failure of a customer (or certified tester on behalf of a customer) to submit any record required by this Ordinance, or the submission of falsified reports/records may result in a civil penalty of up to \$1,000.00 per violation assessed against the customer. If a certified backflow prevention assembly tester submits falsified records to the Town, the Town shall take the necessary actions to revoke certification to test backflow prevention assemblies within the potable water system for a time period not to exceed five (5) years. The tester will then be required to complete an approved certification course to acquire a new certification. Falsification made to records/reports after becoming re-certified shall result in the permanent revocation of backflow testing certification, in addition to a civil penalty (as stated herein).
6. Enforcement of this program shall be administered by the Director of Public Works or his authorized representative.
7. Requests for extension of time shall be made in writing to the Director of Public Works or his

authorized representative. All other appeals shall be made in accordance with the following procedures:

- a. **Adjudicatory Hearings.** A customer assessed a civil penalty under this section shall have the right to an adjudicatory hearing before a hearing officer designated by the Director of Public Works upon making written demand, identifying the specific issues to be contended, to the Director of Public Works within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding.
- b. **Appeal Hearings.** Any decision of the Town hearing officer made as a result of an adjudicatory hearing held under Paragraph (A) of this Section may be appealed by any party to the Town Manager upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this section shall be conducted in accordance with the Town's hearing procedures. Failure to make written demand within the time specified herein shall bar further appeal. The Town Manager shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of his or her decision by registered or certified mail.
- c. **Official Record.** When a final decision is issued under Section (B) above, the Town shall prepare an official record of the case that includes:
 1. All notices, motions, and other like pleadings.
 2. A copy of all documentary evidence introduced.
 3. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 4. A copy of the final decision of the Town Manager.
- d. Any customer against whom a final decision of the Town of Mars Hill is entered, pursuant to the hearing procedure under Section (B) above, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the General Court of Justice of Madison County or of the county where the order or decision is effective, along with a copy to the Town. Within 30 days after receipt of the copy of the petition of judicial review, the Town shall transmit to the reviewing court the original or a certified copy of the official record, as outlined in Section (c) above.

XIII. SEVERABILITY


All previous ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed. Where conflict exists between this ordinance and the N.C. State Building Code or N.C. General Statutes, the requirements of the Code and Statutes shall prevail.

XIV. EFFECTIVE DATE

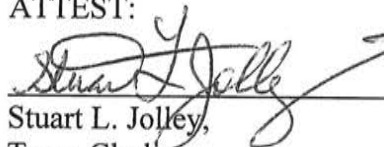
This ordinance shall be effective as of January 1, 2022.

XV. ADOPTION

NOW, THEREFORE, BE IT ORDAINED AND ADOPTED this 6th day of December 2021, by unanimous vote of the Mayor and Board of Aldermen for the Town of Mars Hill, North Carolina.



John L. Chandler, Mayor

ATTEST:


Stuart L. Jolley,
Town Clerk



APPROVED AS TO FORM:


Jamie Stokes, Town Attorney

RECORDS RETENTION AND DISPOSITION SCHEDULE

MUNICIPAL



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DEPARTMENT OF
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Division of Archives and Records
State Archives of North Carolina
Government Records Branch

September 10, 2012

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MUNICIPAL
Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule are not authorized to be destroyed.**

This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "*administrative value ends.*" The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "*destroy when administrative value ends.*" If a municipality does not establish internal policies and retention periods, the municipality is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "*destroy when administrative value ends.*"

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED



City/Town Clerk


Chief Administrative Officer/
City Manager


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED


Mayor


Linda A. Carlisle, Secretary
Department of Cultural Resources

September 10, 2012

Municipality: Town of Mars Hill
Approved: December 6, 2021

EXECUTIVE SUMMARY

- ✓ According to G.S. §121-5 and G.S. §132-3, you may only destroy public records with the consent of the Department of Cultural Resources (DCR). The State Archives of North Carolina is the division of DCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your municipality is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each record series listed on this schedule has specific disposition instructions which will indicate how long that series must be kept in your offices. In some cases, the disposition instructions are simply "Retain in office permanently," which means that those records must be kept in your offices forever. In other cases, the retention period may be "destroy in office when administrative value ends." Administrative value is defined as, "the usefulness of records to support ancillary operations and the routine management of an organization." Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when administrative value ends."
- ✓ Email is a record as defined by G.S. §121-5 and G.S. §132. It is the content of the email that is critical when determining the retention period of a particular email, including attachments, not the media in which the records were created. Email should be retained in the same manner as its paper counterpart. It is important for all agency employees and officials to determine the appropriate record series for specific emails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all municipal employees and officials take our online tutorials in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management, utilizing the retention schedule, email management, and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming of the minutes of major decision-making boards and commissions in a municipality. Once those records are filmed, we will store the silver negative (original) in our security vault.
- ✓ There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst assigned to your municipality for the most current information.

RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES



Issued By:



North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

March 1, 2019

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2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "reference value ends." All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "destroy when reference value ends."

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED



Municipal/County Clerk or Manager
Title: Town Clerk

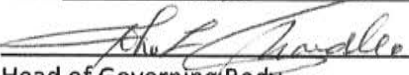


Sarah E. Koonts, Director
Division of Archives and Records

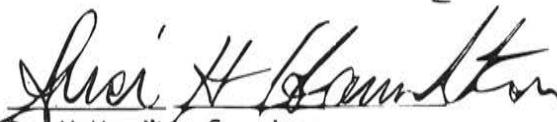


Municipal/County Clerk or Manager
Title: Town Manager

APPROVED



Head of Governing Body
Title: Mayor



Sus H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: Town of Mars Hill
Adopted: December 6, 2021

EXECUTIVE SUMMARY

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver halide negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.