THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: September 13, 2022

Subject: Water Ordinance Technical Revisions

Staff Resource(s): Eric Edgerton, Sr. Asst. City Attorney; David Melton, Water Resources Director

Action Requested: Adoption of an ordinance amending sections of the City Code pertaining to its water system, in order to remove potential ambiguities between the City Code and the Water Resource Department's technical ordinances.

Background:

- The City's water distribution system is governed by both general ordinances, contained within Chapter 21 of the City Code, and technical ordinances in the form of policy and design manuals, adopted by Council.
- Staff have identified potential ambiguities that exist between the City's general and technical water ordinances, and are bringing forward the proposed ordinance amendment to remove any potential ambiguities.
- The proposed amendment will help clarify exactly what standards the public must adhere to when connecting to the City's water system.
- The proposed amendment will clarify that all connections to the City's water system must comply with certain minimum safety standards, including through the installation of backflow prevention devices.

Council Goal(s):

- A clean and healthy environment.

Committee(s):

- None

Pro(s):

- Clarifies the requirements of the City's ordinances as they relate to its water system.

Con(s):

- None.

Fiscal Impact:

- None.

Suggested Motion:

- Motion to adopt an ordinance amending Section Section 21-3-4(c) pertaining to its water system, in order to remove potential ambiguities between the City Code and the Water Resource Department's technical ordinances.

Attachment(s)

- Ordinance

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 21-3-4(c) OF THE CITY CODE TO CLARIFY THE RELATIONSHIP BETWEEN THE CITY'S GENERAL AND TECHNICAL ORDINANCES RELATING TO ITS WATER DISTRIBUTION SYSTEM.

WHEREAS, the City operates a drinking water distribution system as a public enterprise under the authority contained in NCGS § 160A-312; and

WHEREAS, the City has adopted both General and Technical Ordinances governing its water distribution system, as allowed by NCGS 160A-77; and

WHEREAS, City staff have identified potential ambiguities between sections of the City's General and Technical Ordinances governing its water distribution system; and

WHEREAS, in an abundance of caution and for the sake of clarity, the City wishes to remove any potential ambiguities existing between its General and Technical Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 21-3-4(c) of the City Code is deleted in its entirety, and replaced with the following language:

All water systems proposed for connection to the city's water system, all proposed modifications to any existing portion of the city's water system, and all current connections to the city's water system shall be designed, constructed, installed and maintained in conformance with applicable provisions of the then current city standard specifications and details manual (hereinafter 'Manual'), and all other city rules, policies and procedures. Said policies, procedures, and manuals are understood to constitute Technical Ordinances of the City of Asheville, as that phrase is used within NCGS 160A-77(a). Any engineering plans, specifications and profiles submitted by applicants for construction of a water system or modifications shall be prepared by or under the direct supervision of an engineer licensed to practice in the state, shall bear the signature and seal of such engineer, and shall be subject to approval by the director. Following the installation of the water line extension, the engineer must provide the director a certificate of completion. Such plans, specifications and profiles shall be prepared at the expense of the applicant. The director shall maintain a copy of the current manual and city requirements for public inspection.

Read, approved, and adopted this 13th day of September, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney