

**AN ORDINANCE AMENDING CHAPTER 70, ARTICLE I, SECTION 70-25, OF THE
DURHAM CITY CODE OF ORDINANCES**

WHEREAS, there is a need to further define the term “apartment complex” in the Durham City Code section that allows the resale of water and/or sewer service purchased from the City of Durham;

THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

Section 1. Section 70-25 of the City Code of Ordinances is revised to read as follows:

• **Sec. 70-25. - Resale of water and/or sewer service.**

No water and/or sewer customer shall supply or resell water and/or sewer service from the public water and/or sewer system. Notwithstanding this prohibition, owners of a *residential apartment complex structures* where submeters have been installed may charge tenants for water and/or sewer service for the purpose of fairly allocating the cost of such service to each dwelling unit subject to the conditions set forth below. *For purposes of this section, a residential apartment complex is defined as premises not separated by property owned by others where one or more buildings under common ownership comprising fifteen (15) or more apartments are available for rent by residential tenants.*

- (1) The rate charged shall be no greater than that charged by the city. Any administrative or service charge billed by the city may be apportioned among the tenant bills. Additional apartment owner service or administrative charges may be added to the amount billed by the city in accordance with N.C. Utilities Commission regulations;
- (2) The owner shall be in compliance with all the regulations of the city and other governmental agencies which may have jurisdiction, including, but not limited to, the N.C. Public Utilities Commission and the N.C. Division of Environmental Health;
- (3) The owner shall notify the ~~city engineer~~ *City Manager or his or her designee* in writing that the structure will be submetered and indicate the expected date of the initial billing of tenants;
- (4) The tenant billing cycle shall coincide with the city's billing cycle. The owner shall maintain the following records on the site for inspection during reasonable business hours by the ~~city engineer~~ *City Manager* or his or her designee and the tenants:
 - a. The billing from the city to the owner for the current month and the 12 preceding months;
 - b. The calculation of the average cost per 100 cubic feet or per 1,000 gallons for the current month and the 12 preceding months;

- c. All submeter readings and tenant billings for the current month and the 12 preceding months;
 - d. All sub-meter test results for the current month and the 12 preceding months.
- (5) All rental agreements between the owner and the tenants shall clearly state that the dwelling unit is submetered, that bills will be issued based on such metered charges, that water and/or sewer charges based on water consumption for all common areas and common facilities will be the responsibility of the owner and not the tenant, and that any disputes relating to the computation of the tenant's bill and the accuracy of the submetering device will be between the tenant and the owner;
- (6) The owner shall not terminate a tenant's water and/or sewer service for failure to pay tenant's water and/or sewer bill.

Failure to comply with the requirements of this section shall be a violation of this chapter, subject to all remedies authorized by law, and shall also be grounds for termination of the right to bill tenants in accordance with submetered charges.

(Code 1964, § 18-23; Code 1982, § 23-24; Ord. No. 11330, § 1, 1-20-1998; Ord. No. 13736, § 1, 11-3-2008)

Section 2. This ordinance shall be effective from and after passage and shall apply to any request for submetering received by the City on or after May 18, 2015.