

CHAPTER K – WATER SERVICE

ARTICLE I - REGULATIONS GOVERNING PUBLIC WATER SYSTEMS

Section 1 – Federal

The Environmental Protection Agency (EPA), per 42 U.S.C. § 300f (4) (A), defines a Public Water System as having at least 15 service connections or one which regularly serves at least 25 individuals, at any time during a year. The Town of Oriental, with over 700 connections inside and over 50 connections outside the Town of Oriental limits, is the Purveyor of a Public Water System.

As a Public Water System Purveyor, the Town of Oriental shall operate in accordance and comply with all applicable Federal and State guidelines and regulations. Principal among the federal guidelines is the Federal Safe Drinking Water Act (SDWA) of 1974, as amended in 1986, 1996, 2005, 2019, and 2021.

The SDWA is the principal Federal law in the United States intended to ensure safe drinking water for the public. SDWA authorizes the United States Environmental Protection Agency (US EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA sets the standards and oversees the implementers (State agencies and water system purveyors) who ensure these standards are met. The SDWA requires the EPA to establish *National Primary Drinking Water Regulations* (NPDWRs) for contaminants that may cause adverse public health effects. The regulations include both mandatory limits (Maximum Contaminant Levels, or MCLs) and non-enforceable health goals (Maximum Contaminant Level Goals, or MCLGs) for each included contaminant. For some contaminants, EPA establishes a Treatment Technique (TT) instead of an MCL. TTs are enforceable procedures that drinking water systems must follow in treating their water for a contaminant.

Section 2 – State

The North Carolina Department of Environmental Quality (NCDEQ) is the responsible state agency for implementation and oversight of safe drinking water management and operation. The mission of the Public Water Supply Section, Division of Water Resources is to protect, enhance and manage North Carolina's surface and ground water resources for the health and welfare of the citizens of North Carolina, and the economic well-being of the state.

Public Water Supply Section (PWSS) is responsible for oversight and compliance with North Carolina state laws contained in NCAC Title 15A Subchapter 18C (Water Supplies – Sections .0100 through .2200) and Subchapter 18D (Water Treatment Facility Operators – Sections .0100

through .0701). The Town of Oriental's Public Water System operation and management shall be organized to comply with these state rules and regulations.

NCDENR has also established seven regional offices throughout the state. Among its many duties the regional office is responsible for surface and ground water system oversight, waste management and emergency planning and response. The responsible regional office for oversight of the Town of Oriental's Public Water System is located in Washington, North Carolina.

Section 3 – Local

As purveyor of the Public Water System, the Town of Oriental shall be organized to comply with federal and state rules and regulations to ensure delivery of safe drinking water to its customers. The Town of Oriental is a Council – Manager form of government. Ultimate responsibility for developing and approving Town policies shall reside with the Board of Commissioners. Compliance with these policies and daily operation of the Public Water System shall be the responsibility of the Town Manager in conjunction with the Operator in Responsible Charge (ORC). The ORC is also responsible for updating and maintaining all documentation concerning the operation and maintenance of the Public Water System.

Assisting the Town Manager, the Director of Public Works is the key Town employee responsible for the integrity of the system. The Director of Public Works shall ensure that operations and maintenance of the system is in accordance with the Operations and Maintenance (O&M) Manual approved by the Board of Commissioners. The O&M Manual shall provide the requirements for system operation, preventative, casualty and corrective maintenance, as well as outlining procedures for emergency response and planning, and duties of key personnel.

The Town of Oriental operates a Class B well system. A properly certified ORC shall work closely with the Director of Public Works and the Town Manager in all aspects of water system operations. The ORC is responsible for state required reporting, water sampling and treatment of the water system. Ideally the ORC is a Town employee but may be contracted by the Town Manager, if no qualified ORC is on staff.

Additionally, because of water plant discharge, a properly certified Wastewater ORC shall be designated. The two ORC functions may be combined into one individual.

Section 4 – Town of Oriental Water Advisory Board

The Board of Commissioners shall be assisted by a Water Advisory Board which shall be an adhoc committee to the Town of Oriental Board.

The ORC and the Cross Connection Control and Backflow(CCBF) ORC will be members of the Water Advisory Board,

in addition to the Pamlico County ORC with permission of the County Manager.

Two citizens (Town of Oriental and/or Pamlico County), selected based on interest and skills related to the industry, shall comprise the Water Advisory Board.

Two Oriental Town Board of Commissioners will be assigned to the Water Advisory Board, as Board Liaisons.

The Water Advisory Board will focus efforts on the 2024 Water System Improvements Project. Duties of the members will be determined by the Water Advisory Board, in conjunction with the Board of Commissioners, Town Manager, and ORC. The Manager can also request assistance from the Water Advisory Board concerning processes and purchases for Water Plant Operations. A quorum for the Water Advisory Board will consist of a majority of the Board membership (vacant seats excluded). Meetings will be called monthly during the duration of the 2024 Water System Improvements Project and as needed by the Chairman. Minutes of the meeting will be published and the agenda for each board meeting will be made available to the public 48 hours in advance. All Water Advisory Board meetings will be open to the public and will be posted in compliance with open meetings regulations.

ARTICLE II – APPLICATION FOR SERVICE

Section 1 – Definitions

- (a) Rate Schedule - A schedule of rates which are found in Chapter S of the General Ordinance. The Rate Schedule may be changed by passage of a motion by the majority of the Town Board.
- (b) Deposit - A sum of money approximately equivalent to two months water usage for residential customers which will be held by the Town while service is connected.

Section 2 – Service Supplied

Service will be supplied only to those who are within the Town limits and have paid all applicable fees or to those outside the Town limits who have been granted permission for service by the Town Board and have paid all applicable fees.

Section 3 – Application for Service

The Consumer will make application for service, in person, at the Town office and at the same time make the deposit guarantee required as set out in the Rate Schedule.

Section 4 – Rejection of Service

The Town may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the supply of service to other customers or for other good and sufficient reasons.

Section 5 – Violation of Rules

For violation of any of the provisions of these rules relating to application for service, the Town may, at the expiration of fifteen (15) days after mailing a written notice to the last known address of the consumer, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the Consumer shall first pay to the Town a reinstallation charge as set out in the Rate Schedule.

Section 6 – Irrigation System Requirements

§143-355.4 All local government water systems and large community water systems shall require separate meters for new in-ground irrigation systems that are connected to their systems.

ARTICLE III – DEPOSIT

Section 1 – Deposit

A deposit described in the Rate Schedule shall be paid to the Town before service will be connected. The Deposit shall not draw interest. The deposit of existing residential customers shall continue to be held by the Town until service is discontinued or terminated.

Section 2 – Payment of Bills

The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

Section 3 – Separate Deposits Required

A separate deposit is required for each meter installed.

Section 4 – Deposit not Negotiable

The deposit receipt is not negotiable and can be redeemed only at the Town Hall.

Section 5 – Refund of Deposit

Where the Town finds that the request for a guarantee deposit refund is questionable, the Town may require the applicant for refund to produce the deposit receipt properly endorsed.

Section 6 – Refund or Credit of Deposit

The Town shall refund the deposits of residential or commercial customers when service is terminated. Such Deposit will first be applied to any unpaid charges or indebtedness due to the Town and the balance, if any, refunded to the residential or commercial customer.

Section 7 – Business Deposits

The deposits of existing business, commercial or industrial customers shall not be subject to refund and shall continue to be held by the Town until service is terminated.

ARTICLE IV – TAP FEES AND USE FEES**Section 1 – Initial Charge**

A tap fee and installation charge, as provided in the Rate Schedule, shall be paid for each meter installed, regardless of location. Each meter requires a separate meter reading sheet, and each meter reading sheet shall cover a separate and individual account.

Section 2 – Water Use

Water furnished for a given lot shall be used on that lot only. Each consumer's service must be separately metered at a single delivery and metering point. Each commercial unit and each storeroom or stall used for business purposes shall have a separate meter. All commercial use, including storerooms and stalls for business purposes, shall be metered separately from any residential use, whether now in service or to be installed in the future.

Section 3 – Additional Use from Tap

If more than one application or use exists, one additional base rate, as set out in the Rate Schedule, will be charged for each application or use.

ARTICLE V – TOWN'S LIABILITY

Section 1 – Service Line Provided

The Town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.

Section 2 – Location of Meter

The Town may install its meter at the property line or, at the Town's option, on the Consumer's property or in a location mutually agreed upon by the Town and the Consumer.

Section 3 – Grouping of Meters

When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and clearly designated to which consumer it applies.

Section 4 – Not Responsible for Piping

The Town does not assume the responsibility of inspecting the Consumer's piping or apparatus and will not be responsible therefore.

Section 5 – Prevention of Back Flow

The Town reserves the right to refuse the service unless the Consumer's lines or piping are installed in such a manner as to prevent cross-connections or back flow. If a well is also on the property, a back flow prevention device will be required.

Plumbing cross-connections, which are defined as actual or potential connections between a potable and non-potable water supply, constitute a serious public health hazard. According to the Environmental Protection Agency (EPA), there are numerous, well documented cases where cross connections have been responsible for contamination of drinking water, and have resulted in the spread of disease. The problem is a dynamic one, because piping systems are continually being installed, altered, or extended.

Control of cross-connections is possible, but only through thorough knowledge and vigilance. Education is essential, for even those who are experienced in piping installations fail to recognize cross connection possibilities and dangers. The successful promotion of a cross-connection control and backflow prevention program in a municipality is dependent upon the legal authority to conduct such a program. Below the municipality level, modern plumbing codes, such as the National Plumbing Code, ASA A40.8-1955, or subsequent revisions thereof, govern backflow and cross-connections at

the contractor level. At the municipal level the EPA requires that an ordinance shall establish a program of inspection for elimination of cross and backflow connections within the community. Additionally, the EPA states that all municipalities with Public Water Supply systems should have cross-connection control programs, which support the ordinance.

In accordance with Federal and State guidelines, the Town of Oriental shall set forth the requirements for cross connection and backflow prevention in an official Town program maintained by the Water Advisory Board, approved by the Board of Commissioners and administered under the oversight of the Town Manager.

No cross-connection to the Town of Oriental Water System shall be made without approval from the Town Manager. The types of approved devices shall be listed in the Cross Connection and Backflow Prevention Manual. The charges and fees for testable devices shall be listed in the Schedule of Fees. The procedures and frequency for testing shall also be outlined in the Manual.

Section 6 – Town not Liable

The Town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the Consumer's property, or any damage done by or resulting from any defect in the piping, fixtures, or appliances of the Consumer's premises. The Town shall not be responsible for negligence of third persons or forces beyond the control of the Town resulting in any interruption of service.

Section 7 – Notification of Interruption

Under normal circumstances, the consumer will be notified of any anticipated interruption of service.

ARTICLE VI – CONSUMER RESPONSIBILITY

Section 1 – Piping Conveniently Located

Piping on the Consumer's premises must be so arranged that the connections are conveniently located with respect to the Town's lines or mains.

Section 2 – Separated Accounts

If the Consumer's piping on Consumer's premises is so arranged that the Town is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.

Section 3 – Meter Accessible

Where a meter is placed on premises of a consumer, a suitable place shall be provided by the consumer for placing such meter, unobstructed and accessible at all times to the meter reader.

Section 4 – Cutoff Valve

The Consumer shall furnish and maintain a private cutoff valve on the Consumer's side of the meter. The Town shall provide a cutoff valve on the Town's side of such meter.

Section 5 – Consumer Maintains Piping

The Consumer's piping and apparatus shall be installed and maintained by the Consumer at the Consumer's expense in a safe and efficient manner and in accordance with the Town's rules, and in full compliance with the sanitary regulations of the State Board of Health.

Section 6 – Consumer to Protect Meter

The Consumer shall guarantee proper protection for the Town's property placed on the Consumer's premises and shall permit access to it only by authorized representatives of the Town.

Section 7 – Consumer to Pay for Repairs

In the event that any loss or damage to the property of the Town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the Consumer, his agents, or employees, the cost of the necessary repairs or replacements shall be paid by the Consumer to the Town; and any liability otherwise resulting shall be assumed by the Consumer.

Section 8 – Service Discontinued

The amount of such loss or damage or the cost of repairs shall be added to the Consumer's bill; and if not paid, service may be discontinued by the Town.

ARTICLE VII – EXTENSIONS TO MAINS AND SERVICE

Section 1 – Construction of Extensions to Lines

The Town may construct extensions to its water lines to points within its service area but the Town shall not be required to make such installations unless the Consumer holds a proper permit and has paid all required fees and advances to the Town the entire cost of the installation.

Section 2 – Contract Required

All line extensions shall be evidenced by contract signed by the Town and the person advancing funds for said extension, but each contract shall be null and void unless approved by the Town Board of Commissioners.

Section 3 – Undeveloped Subdivisions

Water distribution lines to serve undeveloped subdivisions will be handled as follows:

- a) The developer will submit plans for review and approval by the Town, the Town's engineer, and the State Board of Health.
- b) The developer will install the lines in accordance with the approved plans.
- c) Upon completion of the new extension, the developer will deed the complete facility, to include all right of way, easements, permits, franchises, and

authorizations or other instruments needed, for the operation and maintenance of the facility, to the Town. The Town will not reimburse the developer for the extension.

d) The developer will lay lines in such a way as to loop all lines back to the nearest main not less than six (6) inches. New lines to cul de sacs will include a not less than six (6) inch line half the length of the street, at which point a certified fire hydrant is installed, and following the hookup to the fire hydrant, a reducer may be applied to make the remainder of the line not less than four inches (4") around the cul de sac, and back to the main so as to not require any long taps. (Revised May 1, 2018)

Section 4 - New Service outside the Town Limits

New Service outside of the town limits may only be approved by the Board of Commissioners. Primary consideration for approving this service shall be the financial benefit of the Town of Oriental Water Fund which is established as an enterprise fund under the laws of the State of North Carolina. Once approved by the Board of Commissioners, service may be connected subject to the provisions of this regulation. Any request to extend or connect the Oriental Water System to land not within the Oriental Corporate Limits must be accompanied by a petition for annexation. (Amended March 1, 2016)

ARTICLE VIII – ACCESS TO PREMISES

Section 1 – Town Agents to Have Access

Duly authorized agents of the Town shall have access, at all reasonable hours, to the premises of the Consumer for the purpose of installing or removing Town property, inspecting piping, reading or testing meters or for any other purpose in connection with the Town's service and facilities.

Section 2 – Granting Easement

Each Consumer shall grant or convey, or shall cause to be granted or conveyed, to the Town, a perpetual easement and right of way across any property owned or controlled by the Consumer wherever said perpetual easement and right of way is necessary for the Town water facilities and lines, so as to be able to furnish service to the Consumer.

ARTICLE IX – CHANGE OF OCCUPANCY

Section 1 – Notice to be Given

Not less than three days' notice must be given in person or in writing, at the Town office, to discontinue service or change occupancy, except for disconnection for nonpayment of bill as described in Article X, sections 4,5, and 6. (Revised May 1, 2018)

Section 2 – Responsibility for Payment

If occupancy is changed, the outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for the departure, whichever is longest.

ARTICLE X – BILL COLLECTION

Section 1 – Rate Schedule

All charges for water usage and meter installation will be figured in accordance with the Town's published Rate Schedule then in effect. Water billing payments received will be applied to the account in the following order: Trash, recycling, water, and sewer.

Section 2 – Multiple Meters

Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be for the same or different premises, or for the same or different consumers, or for the same or different services.

Section 3 – Delinquent Bills

Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the Consumer from payment.

Section 4 – Bills Due

Bills are mailed on the fifth of the month, and are due and payable upon receipt, and are considered past due after the 25th day of the month rendered.

Section 5 – Disconnection for Nonpayment

If any bill with an unpaid balance of \$10 (ten dollars) or greater (March 3, 2015) is not paid by close of business on the fifth (5th) day of the month following the due date printed on the bill, water service will be discontinued without further notice for nonpayment and a reconnection fee will be charged to the consumer if water service is restored. (Revised May 1, 2018)

Section 6 – Late Fees

A late fee will be added to any account that has a \$1 (one dollar) (March 3, 2015) balance by the close of business of the 25th day of the month. (Revised May 1, 2018)

ARTICLE XI – METHOD OF PAYMENT

Section 1 – Acceptable Types of Payment

Customers may make payment for service, deposits, connection and reconnection fees, penalties and related charges to the Town office in person or by mail. Payment may be made by cash, check, or money order. Checks which are returned to the Town dishonored shall be subject to a service fee as set out in the Rate Schedule, which may be added to the customer's bill until paid.

Section 2 – Overdue Payment Contract

A contractual overdue water bill payment agreement can be arranged between the customer and the Town Manager at the Town Hall by the 25th day of the month. This meeting must be arranged during normal working hours. The utility customer may be

subject to immediate discontinuance of service if payment of this contractual agreement on or before the dates agreed upon is not met.

ARTICLE XII – VOLUNTARY SUSPENSION OF SERVICE

Section 1 – Notice to be Given

In order to assure discontinuance of service at a time requested by a customer, notice to the Town in advance of the proposed time of discontinuance shall be required. Notice shall be given at least three (3) days in advance and the customer will be responsible for all service consumed within the three days following the time of his notice to the Town. The time of discontinuance must take place during normal working hours.

Section 2 – Temporary Discontinuance

Seasonal residents of Oriental, or residents leaving their homes unattended for an extended period of time, may request a temporary discontinuation of water service with a water shutoff at the meter. A monthly service charge continues to apply, and will appear on the monthly water bills. It is the customer's responsibility to call and request that service be restored or terminated. (amended June 2, 2015, effective July 1, 2015)

ARTICLE XIII – INVOLUNTARY SUSPENSION OF SERVICE

Section 1 – Reason for Discontinuance

The Town sometimes finds it necessary to discontinue water service to customers because of the following reasons:

- a) Failure of a customer to pay any bill for service within the time allowed by these rules.
- b) Refusal of legitimate access to premises or for damage to or loss of property owned by the Town on the customer's premises for which the customer is liable.

Section 2 – Collection of Debt

Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the Town toward settlement of the account. Any balance will be refunded to the Customer, but if the deposit is not sufficient to cover the bill, the Town may proceed to collect the balance in the usual way provided by law for the collection of debts.

Section 3 – Reconnect Fee

Service discontinued for nonpayment of bills will be restored only after bills are paid in full, a redeposit is made, and a reconnect fee is paid for each meter, as set out in the Town Rate Schedule.

Section 4 – Reasons for Discontinuing Service

The Town reserves the right to discontinue its service without notice for the following additional reasons:

- a) To prevent fraud or abuse.
- b) Consumers willful disregard of the town's rules.
- c) Emergency repairs.
- d) Insufficiency of supply due to circumstances beyond the Town's control

- e) Legal processes.
- f) Direction of public authorities.
- g) Strike, riot, fire, flood, accident or any unavoidable cause.

Section 5 – Tampering with Meter

The Town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device or Town water lines.

Section 6 – Multiple Meters

If a customer is receiving service at more than one location, service at any or all locations may be discontinued if bills for service at one or more locations are not paid within the time specified by these rules, except that residential water service shall not be discontinued for non-payment of a bill for non-residential classes of service.

Section 7 – Disputed Bills

It is the policy of the Town to discontinue water service to customers for reason of non-payment of bill only after notice and a meaningful opportunity to be heard on disputed bills.

ARTICLE XIV – COMPLAINTS AND ADJUSTMENTS

Section 1 – Appeal of Bill

If any customer disputes the correctness of his bill he shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing, and may present orally or in writing his complaint and contentions to the Town Manager who shall be authorized to order that the customer's service not be discontinued and has the authority to make a final determination of the customer's complaint. All appeals must be submitted to the Town on or before the 25th day of the month for which the bill is due.

Section 2 – No Waivers

Requests for delays or waiver of payment will not be entertained. Only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified. The customer may pay a bill under protest and said payment shall not prejudice his claim.

Section 3 – Special Meter Reading

The Town will make special meter readings at the request of the Consumer for a fee as set out in Chapter S, Town Rates and Fees; provided however, that if such special reading disclosed that the meter was over-read, no charge will be made.

Section 4 – Meter Testing

Meters will be tested at the request of the consumer upon payment to the Town of the actual cost to the Town of making the test, provided however, that if the meter is found to be over-registering beyond 1% of the correct value, no charge will be made.

Section 5 – Seal Broken

If the seal of a meter is broken by other than the Town's representative, or if the meter fails to register correctly or is stopped for any cause, the Consumer shall pay an amount estimated from the record of his previous bills and from other proper data.

Section 6 – Water Leak Adjustments

The purpose of this policy is to provide a basis for the Town of Oriental to adjust high bills caused by leaks in water lines or equipment on user's property that the user could not reasonably have known about with normal diligence. The reason for providing a policy for reducing these bills is to relieve possible financial hardship on residents and businesses caused by no fault of their own. The intent is to provide some relief for catastrophic losses of water but not high uses caused by lack of maintenance or a change in activity at the home or business.

A. Leak Adjustments

1. Adjustments for the billing or billings for water consumption based upon a water loss resulting from a leak or leaks in any portion of the water distribution system or plumbing on or within the user's property may be made one time per calendar year.
2. Leak adjustment to water bills will be considered when all of the following conditions have been met:
 - a) Water use volume is 200% of previous twelve months usage history. If the account is new and does not have a full year of history, the Town Manager will estimate average consumption based on available history, usage of similar residences in the neighborhood or on any other relevant factors. The Town Manager's decision shall be final.

The customer must be able to demonstrate that the repair was made within a reasonable time.

- b) Customers must make a formal request for a leak credit and explain what leaked, where it leaked and all relevant factors. Proof that the leak was fixed may be required. This may be copies of contractor repair or supply receipts.
- c) Account Holder must request adjustment before due date of bill
- d) Account must be up to date and must have paid at least the average bill based on usage history
- e) Account Holder can only receive one adjustment per calendar year.
- f) The water leak must not have occurred as a result of a willful, criminal or negligent act on the part of the customer.
- g) Leak adjustments will be calculated for leaks UP TO 40,000 gallons. No adjustment is available for water leaks over 40,000 gallons.

3. The Town shall disallow requests for adjustment for water services for watering of lawn or garden, swimming pool, hot tub, guests, etc.
4. The period of the leak is limited to two billing periods.
5. The Town assumes no responsibility for damage, repairs, or inspections necessitated by leaks

ARTICLE XV – USERS OUTSIDE TOWN LIMITS

Section 1 – Service not to be Extended

For customers outside the Town limits, water piping or service shall not be extended beyond the property boundaries as they existed at the time the original tap was provided.

Section 2 – Tap not to be Changed

The Town originally installed a 3/4 inch water tap and meter on the public right-of-way for each applicant. This tap and meter shall not be changed except by Town personnel. Further, no connection of any kind shall be made to the Town's main water lines without approval of the Board of Commissioners.

Section 3 – Business Expansion

All business being served as of the date this ordinance is enacted will be permitted to continue to use Oriental water. Any expansion of their business that results in an increase in average usage, which shall be averaged over the previous 3 months, will be subject to approval by the Board of Commissioners.

Section 4 – Property Sold

Continued use of Oriental water after the property is sold will be allowed if the new owner makes written application to the Town and verifies that continued usage will not exceed that of the first owner. Use of existing water connections will be subject to approval by the Board of Commissioners and made a matter of record.

ARTICLE XVI – ABRIDGMENT OR MODIFICATION OF RULES

Section 1 – No Promises by Employees

No promise, agreement or representation of any employee or representative of the Town shall be binding upon the Town except as it shall have been agreed upon in writing, signed and accepted by the Town Manager.

Section 2 – Modification of Rates or Rules

No modification of rates or any of the rules and regulations shall be made by any agent of the Town.

ARTICLE XVII – PENALTIES

Section 1 – Violation of Rules

Any person or business that violates this Chapter shall be guilty of a Class 3 misdemeanor and shall be punished in accordance with Chapter A, Article II, Section 6.

ARTICLE XVIII – WATER SHORTAGE RESPONSE PLAN

Section 1 - Purpose

The purpose of this Plan is to provide for the declaration of official phases of water supply shortages and the implementation of voluntary and mandatory water conservation measures throughout the Utility’s service and in the event a shortage is declared.

Section 2 - Authority to Implement

When conditions dictate, the Town of Oriental’s Public Works Supervisor and the Town Manager under the Direction of the Town’s Mayor, may implement a Water Shortage Response Plan (WSRP). As an alternate, the Town Commissioner’s liaison to the Water Board may also implement the Water Shortage Response Plan.

Section 3 - Factors Requiring Implementation of the Water Shortage Response Plan

Several parameters or conditions may require the Town of Oriental to begin the WSRP. These include but may not be limited to significant reductions in well water levels, a significant increase in pump run times for the predetermined total flow at the well(s), contaminants in the water system, acts of terrorism, vandalism, main breaks and natural disasters.

If the factors listed above reduce well water levels or pump run times, or by any event or combination of events, prevent the water system from delivering water, WSRP phases will be enacted in the following order:

Phase I will be enacted if a 20% reduction in normal well water levels is noted or if pump run times increase 20% in order to maintain previous rates or any other event which causes a 20% reduction in the water system’s capacity.

Phase II will be enacted if a 40% reduction in normal well water levels is noted or if pump run times increase 40% in order to maintain previous rates or any other even which causes a 40% reduction in the system’s capacity.

Phase III will be enacted if a 60% reduction in normal well waters levels is noted or if pump run times increase 60% in order to maintain previous rates or any other event which causes a 60% reduction in the system’s capacity.

Section 4 - Water Use Classification

In order to facilitate a fair and equitable WSRP, every water use will be grouped into one of three classifications.

Class I – Essential Water Uses

These uses include but may not be limited to water use required to/for:

- Sustain human life and the lives of domestic pets
- Maintain minimum standards of hygiene and sanitation
- Health care uses necessary for patient care and rehabilitation
- Firefighting, including training and drills as approved by the Town’s Mayor

Class II – Socially or Economically Important Water Uses

These include but may not be limited to water use required to/for:

- Preserve commercial vegetable gardens, fruit orchards, nursery stock, aquaculture, and livestock maintenance
- Outdoor commercial watering, public or private
- Establishing vegetation, after construction/earth moving activities
- Filling and operation of municipal or private swimming pools provided that these swimming pools serve 25 or more residents
- Operation of commercial car washes, restaurants, Laundromats, clubs, schools, churches and other similar establishments

Class III – Non-Essential Water Uses

These uses include but, may not be limited to:

- Operation of water fountains, ornamental pools and recreational swimming pools
- Non-commercial washing of motor vehicles, sidewalks, house, etc.
- Non-commercial watering of gardens, lawns, parks, playing fields and other recreational areas

Section 5 - Phased WSRP and Water Use Reduction Goals

When the WSRP is implemented, the below phased approach will be followed:

Phase I – Voluntary Conservation

This phase will be enacted when it is determined that one or more of the parameters outlined in Section 3 is met. If this occurs, the consumers will be notified promptly by any or all of the following: mailers, door hangers, public postings at the Town Hall, Post Offices, Town Website etc. The public will be asked to begin voluntary conservation measures and Class III Non-Essential uses will be halted. Specific conservation measures and tips can be seen on Attachment I.

Continued water consumption by Class III, non-essential users will result in a written notice of violation for the first offense and a \$25 fine for each subsequent offense.

If the determining parameter(s) return to seasonal norms, the measures will be lifted. However, failure of the determining parameter(s) to return to the state of seasonal normalcy may require the initiation of Phase II.

Phase II – Mandatory

This phase will begin when the Town Public Works Supervisor issues a water shortage advisory. The consumers will be notified by one of the methods noted in Phase I. All users will

be required to adhere to the voluntary conservation measures as noted in Attachment 1. Class III uses will be banned. Class II uses will be allowed although outdoor vegetative watering will be limited according to the resident's street address. Even numbered addresses will be allowed to water on even days of the month. Odd numbered addresses will be allowed to water on odd days of the month.

During Phase II, industrial facilities will be required to develop and demonstrate to the Town Manager a water shortage response program. This program should show at least a 25% reduction in water usage.

Failure to adhere to the Phase II (Mandatory) required conditions will result in written notice of violation for the first offense and/or a \$50 fine. Thereafter, each violation increases by a factor of \$50. Any violation past a fourth offense shall result in a disruption of water service to the offending party until Phase II has been rescinded.

Phase III – Emergency

This phase will commence with the issuance of a water shortage emergency declaration from the Town's Public Works Supervisor. Users will be notified by any or all of the methods noted in Phase I. All users will be required to use voluntary conservation measures outlined in "Attachment 1". Class III uses will be banned and Class II uses will be allowed with the exception of vegetative watering. Industrial users will be required to implement their water reduction program immediately.

Failure to comply with the mandates during Phase III will require the offending party to pay \$100 fine for the first offense, \$350 fine for the second offense and disruption of service for the third offense.

In addition, residential users will be allotted 1000 gallons per month, per person, per connection. If the user uses 1001 – 1250 gallons per month per person per connection, a surcharge of 25% will be added to the monthly water bill. If the user uses 1251 – 1500 gallons per month per person per connection, a surcharge of 75% will be added to the monthly water bill. If the user uses 1501 or more gallons per month per person per connection, a surcharge of 150% will be added to the monthly water bill.

Commercial, industrial and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12 month water consumption average to maintain the current water rate for that month. The average water use can be evaluated on an individual basis for facilities with seasonal demand fluctuations. A 10 – 24% water use reduction from the previous 12 month water use average will require the Town to impose a 25% surcharge on the monthly water bill. A 0 – 9% water use reduction from the previous 12 month water use average will require the Town to impose a 50% surcharge on the monthly water bill. An increase of 1 – 25% above the previous 12 month water use average will result in a surcharge of 100% added to the next monthly bill. Any amount used above 25% of the previous 12 month average water use will require the Town to add a surcharge of 150% to the monthly bill.

Section 6 - Enforcement

Enforcement of mandatory conservation will be the responsibility of the Public Works Supervisor under the direction of the Town Manger and the Mayor. Associated fines will be the responsibility of the Town Manger and the Mayor.

Section 7 - Water Shortage Response Plan Cancellation

As the determining parameter(s) decrease in severity and return to acceptable levels, the Town will lift the WSRP. The cancellation process will be in the reverse order of the WSRP implementation.

Section 8 - Review and Comments

The residents will be given an opportunity to review the WSRP at the Town of Oriental office. Comments can be given in writing to the Town Manager and/or Town Mayor.

Section 9 – Variance

A variance request will be given to the Town Manager in writing. This will be presented to the Town Board of Commissioners for consideration.

The Town Board of Commissioners will grant variance based on usage, length of time, alternative source, social and economic importance, and impact on water demand.

Section 10 - Effectiveness of WSRP

The WSRP effectiveness will be based on the frequency that it is activated, time period in which the activations occur, number of violations/citations handed out, and amount of time taken to raise the percent of water capacity. Effectiveness will be monitored each 30 days the plan is active.

Section 11 – Revisions

The WSRP will be reviewed on a yearly basis and/or after each occurrence of water reductions and may be revised as necessary by the Oriental Town Board of Commissioners.

Section 12 - Effective Date

The WSRP shall take effect immediately upon approval by the Town Board of Commissioners.

Conservation Measures Water Shortage Response Ordinance

Direct Users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE:

Conservation for Voluntary and Mandatory Conservation Phases

- Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) saves about 25 gallons.
- Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.

- Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- Reduce water used per flush by installing toilet tank displacement inserts, a plastic jug may often be used as an alternative. **DO NOT USE BRICKS** – they disintegrate when soaked and the resulting grit hinders closing of the flap valve.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.
- Keep a bottle of chilled water in the refrigerator for drinking.
- Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- Adapt plumbing with flow-restricting or other water saving devices. These are usually inexpensive and easy to install.
- Learn to read your water meter so you can judge how much water you use and what difference conservation makes.
- Take shorter showers and shallow baths. Saves about 25 gallons.
- Reduce the number of toilet flushes per day. Each flush uses about 5 gallons (2-3 if you have water saving toilets).
- Don't use a garbage disposal.
- Use non-phosphate detergent and save laundry water for lawns and plants.

Conservation for Emergency Conservation or Rationing Phase (In addition to measures listed above).

- Turn off shower while soaping up.
- Use disposable eating utensils.

OUTDOOR RESIDENTIAL USE

Conservation for Normal Conditions and Voluntary Conservation Phase

Lawns

- Water before 10:00 am to prevent evaporation which occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.
- Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
- Water thoroughly: long enough to soak roots, a light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
- Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
- Position sprinklers to water the lawn, not the pavement.
- Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- Keep sprinkler heads clean to prevent uneven watering.
- Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off an automatic sprinkler system in case of rain.
- Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens

- Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose so water can penetrate easily.
- Keep weeds out to reduce competition for water.
- Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

Trees and Shrubs

- Water deeply using a soil-soaker or drip-irrigation.
- Water only when needed. Check the depth of soil dryness by digging with a trowel.

- Mulch to reduce evaporation (2” to 3” layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in the summer).
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those in shade.
- Do not use sprinklers. Apply water directly at base.
- Do not fertilize during the summer. Fertilizing increases a plant’s need for water.
- Postpone planting until fall or spring when there is generally less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn’t spray water in to the air. Use soil probes for large trees.
- Water when cloudy, at night, or even when a light rain is falling.

OUTDOOR RESIDENTIAL USE

Conservation for Voluntary Conservation Phase (in addition to measures listed above)

- Do not allow children to play with hose or sprinklers.
- Limit car washing.
- Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- Use leftover household water if available.
- Consider delaying the seeding or sodding of new lawns.
- Determine the amount of water being used outdoors by comparing water bills for summer and winter.

Conservation for Mandatory Conservation Phase (in addition to measures listed above)

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do not water lawns and inedible plants.
- Do not use sprinklers.

Most outdoor watering is prohibited under Emergency Conservation conditions.

HOSPITAL AND HEALTH CARE FACILITY USE

- Reduce laundry usage or services by changing the linens, etc. only when necessary to preserve the health of patients or residents.
- Use disposable food service items.
- Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

INDUSTRIAL USE

- Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to water lines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.
- Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.

- Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving posters and literature where employees, students, patients, customer's, etc. will have access to them.
- Check meters on a frequent basis to determine consumptive patterns.
- Review usage patterns to see where other savings can be made.