

Chapter 42

UTILITIES*

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ARTICLE I. IN GENERAL

Sec. 42-1. Prohibited connection to county water system.

(a) No person shall connect, permit to be connected or permit to remain connected any privately owned water system with the water supply lines of the county water system while a privately owned water supply source is physically connected or attached thereto.

(b) Any person violating the provisions of this chapter shall be guilty of a misdemeanor as provided by G. S. 14-4.

(Ord. No. 5, §§ 1—4, 12-6-1977)

Secs. 42-2—42-20. Reserved.

ARTICLE II. WATER CONSERVATION*

Sec. 42-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alert means:

- (1) The raw water supply is consistently below seasonal averages. If the raw water supply continues to decline, the supply may not be adequate to meet normal needs; or
- (2) Due to mechanical failure or limitations of water treatment plant capacity, adequate water supplies cannot be maintained and their conditions may be sufficient to cause a water shortage.

Crisis means:

- (1) The raw water level is below the level necessary to meet normal needs; or
- (2) Due to mechanical failure or limitations of water treatment plant capacity, a water shortage is subject to occur.

Customer means any person using water for any purpose from the county water system water distribution system and for which a regular charge is made.

Emergency means:

- (1) The raw water supply is below the level necessary to meet normal needs and a serious water shortages exist; or
- (2) Due to mechanical failure or the limitations of water treatment plant capacity a prolonged water shortage is subject to occur.

HCWS means the Hyde County Water System acting through its county manager or utilities director.

***State law reference**—Water conservation measures required by local government for drought, G.S. 143.355.2(a).

Waste of water includes, but is not limited to, the failure to repair a controllable leak of water due to defective plumbing.

Water means water available to HCWS for treatment or any water introduced by HCWS into its distribution system.

Water shortage advisory means that conditions exist which indicate the potential for water supply shortages.

Water use classes shall be established as follows:

- (1) *Class 1. Essential water uses.*
 - a. Domestic use. Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.
 - b. Health care facilities. Patient care and rehabilitation.
 - c. Public use: 1. Firefighting; and 2. Health and public protection purposes, if specifically approved by health officials or the governing bodies of the health officials.
- (2) *Class 2. Socially or economically important uses of water:*
 - a. All domestic uses other than those included in classes 1 and 3: Home water use including kitchen, bathroom and laundry use;
 - b. Outdoor noncommercial watering (public or private):
 - 1. Agricultural irrigation for the production of food and fiber or the maintenance of livestock;
 - 2. Watering by commercial nurseries at a minimum level necessary to maintain stock, to the extent that sources of water other than HCWS are not available or feasible to use;
 - 3. Water use by public gardens of national, state or regional significance where necessary to preserve specimens, to the extent that sources of water other than HCWS are not available or feasible to use.
 - c. Filling and operation of swimming pools: Pools used by health care facilities for patient care and rehabilitation
 - d. Washing of motor vehicles: Commercial car and truck washes, unrestricted hours of operation.
 - e. Commercial laundromats: Unrestricted hours of operation.
 - f. Restaurants, clubs and eating establishments: Unrestricted hours of operation.
- (3) *Class 3. Non-essential uses of water:*
 - a. Ornamental purposes: Fountains, reflecting pools and artificial waterfalls;
 - b. Outdoor noncommercial watering (public or private):
 - 1. Gardens, lawns, parks, Golf courses, playing fields and other recreational areas.

- 2. Exceptions:
 - (i) Agricultural irrigation for the production of food and fiber or the maintenance of livestock;
 - (ii) Watering by commercial nurseries at a minimum level necessary to maintain stock to the extent that sources of water other than HCWS are not available or feasible to use.
- c. Filling and operation of swimming pools: Exceptions: Pools used by health care facilities for patient care and rehabilitation;
- d. Washing of motor vehicles:
 - 1. Automobiles, trucks, boats and trailers.
 - 2. Exceptions: Commercial car and truck washes.
- e. Serving water in restaurants, clubs or eating establishments. Exceptions: Specific request by customer.
- f. Fire hydrants. Any purpose, including use of sprinkler caps, testing of fire apparatus and fire department drills. Exceptions:
 - 1. Firefighting;
 - 2. Health protection purposes, if specifically approved by county health officials;
 - 3. Certain testing and drills by fire departments, if in the interest of public safety and is approved the county.
- g. Flushing of sewers and hydrants. Exceptions: As needed to ensure public safety and approved by health officials and HCWS.

(Ord. No. 77, § 2, 8-16-1999)

Sec. 42-22. Penalty.

(a) The direct or indirect use of water from the HCWS distribution system in violation of these rules and regulations is prohibited. Any water customer of the HCWS distribution system that violates or permits the violation of this article shall be subject to the following penalties:

Hyde County, North Carolina

Water Connection Penalties

<i>Size of Connection</i>	<i>Amount</i>
3/4 inch	\$50.00
1 inch	\$75.00
1½ inches	\$100.00
2 inches	\$200.00

(b) Each violation shall be added to the customers water bill and paid in the same manner as current payments to the HCWS.

(c) Each day a violation occurs shall be considered a separate violation.

(d) The director of HCWS shall be responsible for enforcing any restrictions imposed by this article. If a violation is known to have occurred pursuant to this article, a written violation shall be affixed to the property where the violation occurred and mailed to the customer of record and any other person known to the HCWS who is responsible for the violation and its correction. The written notice shall describe the violation and order that it be corrected immediately or within such specified time as the HCWS determines is reasonable under the circumstances.

(e) If a violation notice is not complied with, or if violation fees for previous violations are not paid, the HCWS may restrict or terminate water service subject to the following procedures:

- (1) The HCWS shall give the customer notice by mail or messenger that due to recurring violations or the failure to pay for previous violations, water services will be restricted or terminated within a specific time. The customer will have the opportunity to appeal the restriction or termination by requesting a hearing scheduled before an official designated as a hearing officer by the county manager. The request for such a hearing should be made before the cutoff date. A prompt conference with a hearing officer will be held;
- (2) If such a hearing is requested by the customer charged with the violation, he shall be given full opportunity to be heard before the restriction or termination;
- (3) The hearing officer shall order whether services should be restricted or continued. The customer may appeal to the county manager for a prompt hearing. The county manager shall make findings of fact and order whether service should be continued or terminated; and
- (4) Any customer charged with the violation of this article may appeal the finding of the county hearing officer or county manager to the state courts.

(f) A fee of \$50.00 shall be paid for the reconnection of any water service restricted or terminated pursuant to subsection (e) of this section. In the event of multiple violations, the reconnection fee shall be \$100.00 for the second violation and \$150.00 for each additional violation.

(Ord. No. 77, § 8, 8-16-1999)

Sec. 42-23. Purpose.

The purpose of this article is to declare the official phases of a water supply shortage and to provide for the implementation of voluntary and mandatory water conservation measures throughout the service area of the county water system in the event a shortage is declared. The service area includes:

- (1) Mainland Hyde County; and
- (2) North Eastern Beaufort County (Pungo).

(Ord. No. 77, § 1, 8-16-1999)

Sec. 42-24. Declaration of water shortage advisory.

(a) *Authority.* Whenever HCWS finds that a potential shortage of the water supply is indicated, such that adequate potable water supplies cannot be maintained, whether the shortage is caused by drought, mechanical failure or limitations of or water treatment plant capacity it shall be empowered to declare a water shortage advisory.

(b) *Monitoring.* The director of HCWS shall monitor the supply and demand upon that supply on a daily basis.

(c) *Voluntary conservation.* The county manager shall call upon all water customers of HCWS to employ voluntary water conservation measures to limit water use (especially Class 3 users) and to eliminate waste of water.

(d) *Publication.* The declaration of a water shortage advisory and statement by the county manager shall be published in a newspaper of general circulation in the county, and may be publicized by any other appropriate method.

(Ord. No. 77, § 3, 8-16-1999)

Sec. 42-25. Declaration of water shortage alert.

(a) Whenever HCWS finds the raw water supply is below the level necessary to meet normal needs and if the supply continues to decline and it may not be adequate to meet normal needs and if there is due to mechanical failure or the limitations of treatment plant capacity that adequate supplies of potable water cannot be maintained, it shall be empowered to declare a water shortage alert.

(b) The HCWS shall continue to encourage voluntary water conservation measures as defined in the advisory declaration.

(c) The HCWS shall impose a ban on all class 3 water uses for the duration of the shortage until it is declared to have ended by the HCWS.

(Ord. No. 77, § 4, 8-16-1999)

Sec. 42-26. Declaration of water shortage emergency.

Whenever the HCWS finds that the raw water supply is below the level necessary to meet normal needs and that a serious shortage exists, it shall be empowered to declare a water shortage emergency.

(1) *Class 1:* essential uses, shall be identified as targets for voluntary conservation initiatives.

(2) *Class 2:* socially or economically important uses, shall be banned in addition to the class 3, non-essential uses.

These restrictions shall be enforced until the emergency is declared ended by the HCWS.

(Ord. No. 77, § 5, 8-16-1999)

Sec. 42-27. Mandatory water conservation.

(a) The county manager is hereby authorized to impose mandatory restrictions, as described restrictions, as stated in subsection (c) of this section, on the usage of water obtained directly or indirectly from the water distribution crisis. After receiving written recommendations from the director of HCWS such restrictions may be imposed by the county manager, upon consideration of all of the following factors:

(1) The pressure at monitoring locations of the HCWS water distribution system;

(2) The ability to refill water storage tanks of the HCWS water distribution system;

(3) The ability to maintain an amount of water in the ground level storage tanks at the water treatment plant which is adequate for fire protection purposes; and

(4) The ability to maintain water pressure in every portion of the HCWS water distribution system.

(b) A water distribution crisis may be implemented by the county manager by signing a "Notice of Declared Water Distribution Crisis". The declared water distribution crisis will begin on the effective date and time specified in the notice and the restrictions imposed thereby will apply during the times specified in the notice.

(c) During a declared water distribution crisis, each of the following uses of water obtained directly or indirectly from the HCWS water distribute system are prohibited during the time specified in the notice of a declared water distribution crisis:

(1) Watering any grass, lawn, shrubbery, flowers, garden or other vegetation; provided, however, that any person or entity regularly engaged in the business of the sale of plants shall be permitted to water only plants that are being grown for sale;

(2) Filling, refilling or otherwise adding water to any swimming pool;

(3) Washing, rinsing or cleaning an exterior wall, floor or paved area; and

(4) Washing, rinsing or cleaning any automobile, truck, van, motorcycle or other motor vehicle or trailer; provided, however, that any person or entity engaged in the business of washing vehicles may be exempt from this prohibition.

(d) The county manager may impose the restrictions in subsection (c) of this section, at all times or during such limited times as the county manager and the director of HCWS determine to be appropriate. The times will be set forth in the notice of declared water distribution crisis.

(e) The county manager may modify the times of restricted water use by signing an "Amended Notice of a Declaration of Water Distribution Crisis."

(f) Restrictions on water use from the HCWS may be terminated by the county manager by signing a "Notice of Termination of Declared Water Distribution Crisis."

(g) Any restrictions or terminated restrictions must be posted in the county office building, relative United States post office or any other designated places by law or the county board of commissioners. All notices cannot be enforced or terminated for a period of 12 hours after posting.

(h) All notices posted shall state the time and date of posting.

(i) The terms "county manager" and "director of HCWS" include the designee of the county manager or director of HCWS.

(Ord. No. 77, § 6, 8-16-1999)

Sec. 42-28. Shortage water rates.

Upon the declaration of a water supply shortage as provided in sections 42-24 through 42-27, the HCWS shall have the authority to adopt shortage water rates designed to conserve water supplies. Such rates may provide for:

(1) *Increasing block rates.* Higher charges per unit for increasing usage;

- (2) *Uniform unit rate.* Uniform charges for water usage per unit of use; and
 - (3) *Excess demand surcharge.* Extra charges for use in excess of a specific level.
- (Ord. No. 77, § 7, 8-16-1999) Page 1 of 12

